

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
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5 SCOPING MEETING FOR
6 PREPARATION OF AN EIS FOR
7 THE PRIVATE FUEL STORAGE FACILITY
8 LICENSE APPLICATION
9

10
11 The Little America Inn
12 500 South Main Street
13 Salt Lake City, Utah
14

15 Tuesday, June 2, 1998
16

17 The above-entitled meeting commenced, pursuant to
18 notice, at 6:30 p.m.

19 PARTICIPANTS:

20 CHARLES HAUGHNEY, NRC

21 ERIC LEEDS, NRC

22 MARK DELLIGATTI, NRC

23 MURRAY WADE, NRC

24 HONORABLE MERRILL COOK, U.S. House of

1 Representatives

2 PARTICIPANTS: [Continued]

3 JOHN DONNELL, Private Fuel Storage

4 HONORABLE MICHAEL LEAVITT, Governor, State of Utah

5 HONORABLE LEON BEAR, Chairman, Skull Valley

6 Goshutes

7 JOHN PAUL KENNEDY, Skull Valley Goshutes

8 CHIP WARD, West Desert Heal

9 MARGENE BULLCREEK, Skull Valley Goshutes

10 FERRIS GROLL, Utah

11 MARTIN HOEPNER, Coalition 21

12 DONALD COBB, Utah

13 LISA BULLCREEK, Skull Valley Goshutes

14 WAYNE BALL, Utah

15 R.J. HOFFMAN, Health Physics Society

16 LEE ALLISON, Utah

17 RALPH BECKER, Utah State Representative

18 SUZANNE WINTERS, Utah

19 BRIAN MEACHAM, Utah Peace Test

20 KATHLEEN CLARK, Utah

21 CYNTHIA OF THE DESERT, Utah

22 CHRIS CERNICH, Utah

23 STEVEN BARROWS, SSWUS

24 DIANE NELSON, Utah

1 STEPHANIE KESSLER, Wyoming Outdoor Council

2 DAVID TERRY, Utah

3 PARTICIPANTS: [Continued]

4 NINA DOUGHERTY, Utah Sierra Club

5 BOB JAMES, Air Force

6 JERRY SCHMIDT, Utah

7 STEVE HOFFMAN, Hawk Watch International

8 BONNIE ROBINSON, Utah

9 DR. GREGORY THAYN, BLM Utah

10 CHRISTOPHER ROBINSON, Utah

11 VIRGIL JOHNSON, Goshute

12 CALVIN ANDREWS, Analogics Marketing & Consulting

13 ROSEMARY HOLT, Women Concerned Utahans United

14 JONATHAN HURD, Salt Lake Food Not Bombs

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P R O C E E D I N G S

[6:30 p.m.]

MR. HAUGHNEY: Let's go on the record.

Welcome. My name is Charlie Haughney. I'm the deputy director of the NRC's Spent Fuel Project Office. And as such, I'm one of the NRC persons who's responsible for the review of the proposed license for the private fuel storage facility. And more specifically tonight, for consideration of the scope of the environmental impact statement that the NRC must prepare in conjunction with its licensing process.

There's a number of NRC staff members with me. On my left is Eric Leeds, who's our licensing section chief. To my immediate right is Mark Delligatti, who's the project manager or the focal point for this particular project.

We also have representatives from our general counsel's office, one of whom, Mr. Sherwin Turk, is on my far right. Dr. Edward Shum is manning the front table. He's a senior environmental scientist. Sue Gagner is here from our office of public affairs for any immediate media contacts.

And we have representatives from our two main contractors who are doing the safety and environmental reviews. First, the Center for Nuclear Waste Regulatory

1 Analysis, which is San Antonio, Texas, and the Oak Ridge
2 National Laboratory. That is the contractor doing the
3 environmental impact statement. And they're of course from
4 Tennessee.

5 Some administrative items first. I'm going to
6 conduct this meeting almost non-stop. I will defer to our
7 single court reporter when he needs a break. But for the
8 rest of us, including myself, if you need a break, feel free
9 to take part of it. And I do that because we have a number
10 of presentations, and about 20 speakers signed up and
11 climbing at this point.

12 The speakers are asked to sign up in the back of
13 the room so we will control you in the order of the sign-up.
14 And it's interesting to note that prior to the meeting we
15 had four people sign up for this meeting. I think the
16 number we're getting is about typical for one of these.

17 This meeting is being transcribed. And staff will
18 review the transcription as a part of its consideration of
19 the scoping comments. We also ask that you consider sending
20 written comments to the staff. And I'll post the address on
21 the Viewgraph machine at this time, and we'll post it from
22 time-to-time throughout the evening. It's also listed in
23 the Federal Register announcement that advertised, at least
24 initially, this meeting.

1 These written comments can be extremely important.
2 I don't want to dismiss the importance of the transcript or
3 anything we hear this evening, but the written comments also
4 are considered by the staff in deciding really exactly what
5 to consider in the environmental impact statement that we're
6 about to write.

7 One last thing, and I've got a few other remarks.
8 But I think this -- you need to view this meeting as very
9 unique. The government frequently spends all kinds of
10 energy working on a particular issue and then presenting a
11 decision, or a near decision, to the public.

12 At this stage, you're beginning to give us
13 literally some advice on how we should handle the
14 environmental impact statement for this facility. We're in
15 the early stages of conducting that review and we have not
16 yet formed any opinions, and we won't form any opinions
17 instantly tonight.

18 I'm not going to react to your comments or, in any
19 particular way, but I do want to listen and understand them.
20 So I may ask some clarifying questions after you're finished
21 if you're one of the speakers. But this advice is crucial,
22 and I think leverages our decision-making process because of
23 its timing. It occurs early in the process.

24 I've noticed that the Honorable Merrill Cook from

1 the Second District here in Utah has arrived.

2 And, Mr. Cook, I could do one of either two
3 things. Either continue for a few minutes with our
4 presentations or allow you to speak at this time. Your
5 preference, sir?

6 CONGRESSMAN COOK: Why don't you continue. I,
7 because of another commitment, would have to leave in
8 another 20 or so minutes. So if I could just -- any time
9 within that, if I could get four or five minutes would be --

10 MR. HAUGHNEY: Fine. Then we'll continue for
11 about another 15 minutes or so.

12 CONGRESSMAN COOK: Great.

13 MR. HAUGHNEY: And if you can signal me, I'll stop
14 the process. Thank you, sir. Appreciate that.

15 What is the purpose of this meeting? And I'm
16 going to read to you from the script a bit and then I'll
17 talk about it some more.

18 It's to give members of the public an opportunity
19 to provide comments to the NRC staff on information that you
20 believe should be considered during the development of the
21 environmental impact statement for Private Fuel Storage.
22 And they are applying to construct and operate an
23 independent spent fuel storage installation on the
24 reservation of the Skull Valley Band of the Goshute Indians.

1 So as I said, we're very interested in hearing what you have
2 to say about this particular matter.

3 Now prior to this, Private Fuel Services submitted
4 an environmental report as a part of its license
5 application. This is in, at the present time, it's in one
6 three-ring binder. And a copy's available here in town at
7 the University of Utah's Marriott Library. Of course we
8 have copies in Washington. And so they're available for you
9 to examine directly.

10 We will be contracting principally with the Oak
11 Ridge National Laboratory to review that document, to
12 conduct the scoping process with us, and to produce a
13 document that is called a draft environmental impact
14 statement. And if you could remind me of when we expect
15 that will be due.

16 MR. DELLIGATTI: I'd have to check with Dr. Shum.

17 MR. HAUGHNEY: All right. I'll get you a date on
18 that in just a moment. It's months away, in any event.

19 The draft environmental impact statement is then
20 published. You'll all be able to see it and read it, and
21 comment on it officially. So there's a second round of
22 comments that we will attempt to gather to better focus the
23 appropriate description of the environmental impacts of this
24 proposed licensing action.

1 Now we are going to make three brief presentations
2 this evening. And one of these, Mark Delligatti of my staff
3 will talk about another major part of our review, which
4 involves safety.

5 Principally, the application consists of two parts
6 and then some other ancillary items, the two parts being the
7 environmental report and the safety analysis report. And
8 there's other things like emergency plan and quality
9 assurance plan. And I don't mean to dismiss those, but they
10 aren't as large in content or extent as these two major
11 documents.

12 So organizationally, the staff tends to divide
13 ourselves on a major case like this into a safety review
14 group and a environmental review group, and we have done
15 that. So Mark will explain the safety review.

16 He'll be followed by Murray Wade from the Oak
17 Ridge National Laboratory that will talk about what's
18 contained in the environmental impact statement. And we
19 hope that this will allow you to focus your comments for
20 this particular meeting. And you're free to say whatever
21 you like, but if you can focus them on the environmental
22 impact statement, it'll make this entire complicated
23 process, I think much more reasonable.

24 There's one other major player from the NRC side

1 in this. And there are many major players outside the NRC,
2 but there's another major player in part of the NRC, and
3 that's the Atomic Safety and Licensing Board.

4 The Atomic Safety and Licensing Board is an
5 independent panel of administrative law judges that are
6 considering whether or not to allow my staff to eventually
7 issue this license, when we're finally done with all the
8 safety and environmental reviews. And that proceeding has
9 just really gotten underway. It's been through ruling on
10 standing of parties that are now admitted to the proceeding.
11 And I believe we have about six parties in the proceeding.
12 We can clarify that in a moment, but the State of Utah State
13 Attorney General's office is one of the parties.

14 And we have also a ruling on contentions. Now
15 these are the matters that will be argued in this legal
16 proceeding before the three judge panel. And there's quite
17 a set of those, and they include both safety and
18 environmental issues. The -- that particular process has to
19 finish and the board must issue a decision before the NRC
20 staff can issue the license, and that will be some time
21 away.

22 At this point, I will -- let me mention one other
23 -- two other things. The scoping process itself will allow
24 us to issue a separate report called a scoping report. So

1 the first major piece of paper you'll see out of the NRC in
2 this environmental process will be the scoping report.

3 Any of you that are signing up this evening to
4 speak or showing interest will get a copy of that report in
5 the mail when we produce it. And this thing will be out
6 several months before the draft environmental impact
7 statement. And I also commit to mail you a copy of the
8 draft environmental impact statement for taking the time and
9 interest to speak this evening. And all those documents
10 will be publicly available as well.

11 The last thing I ask, and I'm going to do this
12 again, is to consider the fact that this matter is
13 oftentimes contentious, oftentimes emotional. And let me
14 ask that as an individual speaks, no matter who they are,
15 where they're from, that you listen courteously and reflect
16 upon their views and opinions. And if you are interested in
17 speaking, we have a sign-up procedure and you'll be able to
18 do that.

19 At this time, if, Mr. Cook, if you still have
20 time, I'll switch to another presenter, if you'd like to
21 speak at this time. I'm done.

22 CONGRESSMAN COOK: Yeah. As long as I'm out of
23 here by 7:00, that's just fine.

24 MR. HAUGHNEY: All right. Mr. Delligatti.

1 MR. DELLIGATTI: Okay.

2 MR. HAUGHNEY: Can we do that? I think we can
3 perhaps get two of them done. Thank you.

4 MR. DELLIGATTI: Thank you. I'm Mark Delligatti.
5 And as Charlie indicated, I'm the senior project manager
6 responsible for the review of the application submitted by
7 Private Fuel Storage.

8 What I'd like to talk to you about tonight is
9 really what is not the subject of this meeting. It's the
10 safety report, which is different from the environmental
11 report. And I'd like to tell you about the kind of
12 information that goes into the safety report. And if you
13 have any questions on that or you have any comments on that,
14 you can forward them to me; you can call me; I can provide
15 you with the appropriate information later in this meeting.
16 Could I have the next slide please.

17 If you look in our regulations at 10 C.F.R. Part
18 72, you'll see that the following kinds of information must
19 be presented if you want to apply for a license to store
20 spent nuclear fuel. This includes general and financial
21 information, technical information, technical
22 specifications, the applicant's technical qualifications,
23 financial assurance information, recordkeeping for
24 decommissioning, information on emergency planning, and an

1 environmental report. That's what the regulations say when
2 you want to send your application in to NRC, make sure
3 you've covered all that. Next slide.

4 And this is how it's usually organized when we
5 receive it. This is how it was organized by Private Fuel
6 Storage. We get five volumes. One is the license
7 application, one is the safety analysis report; that's the
8 technical report, the information of which we -- we're
9 focused on primarily in the safety review.

10 Then there is the emergency plan. We review that
11 very carefully to make sure that any applicant's emergency
12 plan meets our requirements in Part 72 for emergency
13 planning for a facility of this type. Then there is a
14 security plan, that is generally not released to the public
15 for obvious reasons, and there is the environmental report.

16 Those five volumes were all submitted to us. The
17 license application, the safety analysis report, the
18 emergency plan and the environmental report are all
19 available at the Marriott Library at the University of Utah.
20 And the folks there have been great.

21 They have been designated as a local public
22 document room by the Nuclear Regulatory Commission. They
23 have hard copies of the license application and they have
24 all other docketed information, usually available within a

1 few weeks of our receipt of it on microfiche. And if you go
2 there and speak to Ms. Jill Moriarity, she is head of the
3 document section on the lower level of the library. She can
4 help you with anything like that.

5 Now what's the information, the actual kinds of
6 information that we get on a site? Well, there is a great
7 deal of technical information. In considering a site, it's
8 heavily in the area of geography, earth sciences. So we
9 request that the applicant submit geography, demography,
10 earth sciences. You can see the list up here. All of this
11 information must be submitted to us.

12 Our technical staff, and in this case, with the
13 assistance of our contractors from the Center for Nuclear
14 Waste Regulatory Analyses, review the information that is
15 presented by the applicant. And we go through that process.
16 And if we believe that additional information is needed, we
17 prepare what we call a request for additional information.
18 And we send that to the applicant and the applicant must
19 respond to that.

20 In this particular application, we have already
21 sent one request for additional information to Private Fuel
22 Storage and they have responded to us on that. Next slide
23 please.

24 Now there's a second part to a safety review for a

1 facility of this type, and that is the review of the
2 information associated with the storage cask that will be
3 used at that facility. Now Private Fuel Storage has
4 referenced in their application two cask vendors, Holtech
5 (phonetic) and Sierra. And our staff at NRC is currently
6 reviewing those two applications.

7 Now they contain a whole different set of
8 technical information which the staff must review. The
9 topics there, as you can see, are on this screen:
10 structural thermals, shielding criticality, confinement, et
11 cetera. Until the staff has completed its technical of the
12 site, its technical review of at least one of the casks and
13 gone through the appropriate regulatory procedures there,
14 and the final environmental impact statement has been
15 completed, that's when the licensing process ends.

16 So there are a lot of reviews going on here by the
17 NRC staff. We take them very seriously and we take your
18 interest and your concern very seriously. And I would
19 welcome any comments or concerns that you might have on
20 either the staff or the site -- on either the cask or the
21 site review. Please feel free to contact me.

22 If you could put that first slide up again with Ed
23 Shum's address. My address is exactly the same. You can
24 just mail any comments to the Spent Fuel Project office at

1 the USNRC, at Mail Stop 06G22, Washington, D.C., 20555, and
2 we will be happy to receive your input. Thank you very
3 much.

4 MR. HAUGHNEY: Okay. At this time, let me ask
5 Mr. Murray Wade of the Oak Ridge National Laboratory.
6 Mr. Wade will talk about the environmental impact statement
7 process.

8 MR. WADE: Thank you, Charlie.

9 As the first slide talks about, we're in the NEPA
10 process for this project. This proposal is a license
11 application under 10 C.F.R. Part 72. NRC has determined
12 that the proposed action is a major federal action. Oak
13 Ridge National Laboratory is the subcontractor to NRC to
14 prepare the EIS. And I, Murray Wade, am the project manager
15 from Oak Ridge.

16 As far as NEPA background, just a real general
17 background. The National Environmental Policy Act of 1969
18 is where NEPA started. And CEQ, the Counsel on
19 Environmental Quality, put together their implementing
20 regulations. And as far as NRC's actions are concerned, NRC
21 10 C.F.R. 51 implements NEPA and CEQ.

22 The scoping process, as Charlie has mentioned, is
23 to inform the public of the proposed action; to identify
24 public and agency concerns; to focus the impact assessment

1 on important issues; to collect comments and suggestions on
2 the scope of the DEIS, or the draft environmental impact
3 statement.

4 The schedule, the notice of intent for this action
5 was sent out on May 1st, '98. We're in the middle of the
6 scoping process, which includes this meeting. And that
7 process will end on June 19th, where all oral and written
8 comments will be accepted. There'll be a scoping report
9 that should be out in approximately September. And this
10 report, as was mentioned, will summarize the comments and
11 will be distributed to each speaker. And then the tentative
12 schedules for the draft and the final EIS are 1999 and 2000.
13 As noted, they're tentative schedules at this point.

14 And just very briefly on the DEIS outline, Section
15 1 will talk about the proposed -- the purpose and the need.
16 Section 2 will talk about the proposed action and
17 alternatives. Section 3 will describe the affected
18 environment, the natural resources and things that are part
19 of the site that's in question.

20 Section 4, or Section 3 continue, will cover, you
21 know, all the various issues we've got listed, including
22 environmental justice, cultural resources, and all the other
23 issues. And Section 4 is really where the impacts to all
24 these resources are assessed. And there's -- they're

1 assessed. The assessment is done for all the alternatives.

2 And then Section 5 includes a cost benefit
3 analysis, and Section 6 documents the federal and state
4 environmental requirements, all the laws and regulations and
5 permitting regulations to go along with the proposal.

6 And up to this point, the important topics that
7 have been identified. This is an alphabetical order: air
8 quality; cost and benefits; cultural resources;
9 environmental justice; geology and hydrology; human health
10 and safety; plant and wildlife ecology; socioeconomics,
11 including land use, aesthetics, traffic flow, noise;
12 transportation risk; decommissioning; and environmental
13 monitoring.

14 MR. HAUGHNEY: Thank you, Mr. Wade.

15 Congressman Cook, this is probably a good time for
16 you to take the podium.

17 Please welcome Congressman Merrill Cook.

18 CONGRESSMAN COOK: Thank you. My name is Merrill
19 Cook and I represent the Second District of Utah in the
20 Congress of the United States. I certainly appreciate this
21 opportunity to present testimony on the scope of the
22 environmental impact statement for the proposed high-level
23 nuclear waste site on the Skull Valley Goshute Reservation
24 in Tooele County.

1 I would also request that I be allowed to submit a
2 longer written statement. And my assistant, Debra Reed,
3 from our office, will leave copies of that on the seat here.
4 And I apologize for having to leave at about 7:00 because of
5 some prior commitments.

6 I have had grave concerns about this proposal
7 since it was first unveiled by the Skull Valley Goshutes and
8 the consortium of nuclear utilities known as Private Fuel
9 Storage, or PFS. In fact, the very first bill that I
10 introduced as a member of congress, HR 2083, would block the
11 storage of high-level nuclear waste at the Skull Valley
12 site. HR 2083 would accomplish this by imposing
13 prohibitively high fees on the transportation of waste to
14 the site.

15 My two primary concerns are, first, that PFS has
16 refused to provide the State of Utah and its citizens with
17 sufficient information on this proposal; and second, that
18 the site, which is designed only for interim storage, may
19 turn into a de facto permanent site without any of the
20 necessary safeguards in place to protect the environment or
21 the people of Utah.

22 It's my hope that the EIS review will be broad
23 enough to adequately address these issues. It's critical
24 that the federal government carefully and responsibly

1 analyze potential environmental impacts of this high-level
2 nuclear waste site. Artificially curtailing or constraining
3 this review would be an abdication of the federal
4 government's most important responsibility, and that
5 responsibility is protection of public health and safety.

6 I hope that the EIS review will address the many
7 unanswered questions about this proposal. For example, will
8 the utilities have the money to pay for the costs of cleanup
9 in the event of an accident? Have the utilities set aside
10 any money for maintaining the site? Will the utilities be
11 prepared to address the problems or accidents that could
12 occur during the transportation of the waste? Will the
13 utilities be prepared to handle terrorist attacks or
14 sabotage? Have the utilities addressed the threat of forest
15 fires or range fires? And what is the legal responsibility
16 between PFS limited liability members and their parent
17 utility companies?

18 The PFS utilities fail to provide adequate answers
19 to these questions or to describe the arrangements between
20 PFS and the tribe. PFS argues that the arrangement with the
21 tribe involved proprietary information covered in the lease
22 with the Skull Valley Goshutes.

23 One PFS spokesman even claimed that, quote, "It's
24 like if you were to lease property in your backyard for

1 parking or whatever. It's a private matter between the
2 parties," end of quote.

3 With all due respect, siting high-level nuclear
4 waste is not like leasing property for a parking lot. It's
5 not even like establishing a hazardous waste disposal
6 facility.

7 As to the safety questions, PFS has responded to
8 those questions by insisting these casks will not leak,
9 citing experts from the very industry that stands to profit
10 from the transportation and storage of this waste. The
11 current nuclear scandal in Germany underscores the
12 inadequacy of those assurances.

13 German newspapers have reported, and the German
14 nuclear industry has confirmed that deadly waste, identical
15 to that waste that's proposed for the Skull Valley, has
16 leaked from similar casks, casks both the German government
17 and the nuclear industry insisted would not leak.

18 Now high-level nuclear waste is one of the most
19 toxic, dangerous substances known to man. I've worked in
20 the explosives industry for over 25 years. We never take
21 safety issues lightly. The PFS and the federal government
22 should not take them lightly here.

23 It's imperative that the EIS analyze the
24 implications of storing waste on the Skull Valley site

1 beyond the 40 year allowable license term. I and others
2 have repeatedly warned that future economic and political
3 pressures, which we cannot even imagine now, could strand
4 the waste on the Skull Valley site. Licenses and leases can
5 be renewed. There's nothing that guarantees that the waste
6 will be removed at the end of the initial license term, or
7 even after the one-time only renewal option.

8 Because of this very real risk of permanent
9 storage at the Skull Valley site, the scope of the EIS
10 should examine long-term storage issues. These should
11 include but not be limited to long-term seismic risks,
12 long-term cask performance and cask degradation, and
13 long-term institutional controls. These long-term issues
14 parallel potential problems that the Nuclear Waste Technical
15 Review Board recommended for study at the Yucca Mountain
16 site.

17 I hope the EIS will address many concerns Utah and
18 its citizens have expressed about this proposal, concerns
19 that simply haven't been addressed yet. Please thoroughly
20 examine the implications of long-term storage at the Skull
21 Valley site. Please include in the EIS the same issues
22 mandated for review by law at a federal interim storage
23 site. Now I have listed some of these issues in my written
24 testimony.

1 And again, I want to thank you for allowing me to
2 testify this evening. Thank you very much.

3 MR. HAUGHNEY: Thank you, Congressman Cook. I
4 found your comments very helpful. Appreciate it.

5 And in response to your first request, your longer
6 statement will be included in the record. Thank you.

7 We've got one more presentation to set the stage
8 and then we'll get into the other speakers. Mr. John
9 Donnell of Private Fuel Storage is going to talk about some
10 changes and alterations that are intended for the
11 environmental report that was originally submitted as part
12 of the application.

13 Mr. Donnell.

14 MR. DONNELL: Good evening. My name is John
15 Donnell. I'm the project director of the technical and
16 licensing activities for the Private Fuel Storage project.

17 This project will provide temporary, centralized
18 storage for some of the nation's spent nuclear fuel. This
19 storage facility utilizes a start-clean stay-clean approach
20 to provide a safe, cost-effective, interim solution to a
21 problem of national concern and importance.

22 The Private Fuel Storage project was begun in 1994
23 by a group of electrical utilities who recognized that the
24 federal government would not honor its obligation to begin

1 taking spent nuclear fuel by January 31, 1998. By 1995, an
2 agreement had been reached between the utilities to move
3 forward with a formal project.

4 A number of prospective sites, including the Skull
5 Valley Band of Goshute Indian Reservation, were offered to
6 the project in early 1996 for consideration as potential
7 siting areas. Through the use of a screening process, the
8 site offered by the Skull Valley Band of Goshute Indians was
9 selected as the primary siting location.

10 A business agreement was reached with the tribe in
11 late 1996, and the Private Fuel Storage project began the
12 task of completing the necessary studies and preliminary
13 engineering. These initial activities provided the
14 necessary information to prepare an application for
15 submission to the Nuclear Regulatory Commission for a
16 storage facility license.

17 The facility is located on the reservation in
18 Tooele County. The purpose of the facility is to store
19 spent nuclear fuel that has been discharged from U.S.
20 commercial nuclear generating plants. The maximum capacity
21 of the facility is 40,000 metric tons, and it will be sited
22 on approximately 100 acres of land within the reservation.

23 The spent fuel will be transported to Utah by rail
24 using certified shipping casks. Two transportation

1 alternatives have been identified for moving the fuel
2 between the main line railroad and the facility on the
3 reservation. The shipping casks will either be off-loaded
4 at an intermodal transfer point at the main line and loaded
5 onto a heavy-haul tractor-trailer for transport to the
6 facility, or the casks will be transported using a new
7 railroad spur connecting the facility directly to the main
8 line.

9 The canisters will be stored at the facility,
10 inside concrete storage casks, which will be located on
11 concrete pads within a secured area of the facility.
12 Multi-purpose canisters containing the spent nuclear fuel
13 will be utilized for both the shipping casks and the storage
14 casks.

15 The initial license for the facility has a 20 year
16 life, and can be extended for an additional 20 year term.
17 No handling of bare fuel will occur at the facility since
18 the operations will be limited to the handling of sealed
19 canisters. The facility will operate under a
20 contamination-free, start-clean stay-clean philosophy, which
21 will utilize and minimize the possibility of transporting to
22 the facility any externally contaminated canisters.

23 Tonight's meeting focuses on the environmental
24 aspects of the project, which are documented in the project

1 environmental report. This report is being reviewed by the
2 NRC staff and will provide a basis for the preparation of
3 their environmental impact statement.

4 The project environmental report specifically
5 covers the local region and the specific site offered by the
6 band to the project for the storage facility. Field studies
7 and surveys have been performed to characterize the existing
8 environment. The impacts associated with the construction
9 and operation of the facility are provided in this document.

10 The environmental report also evaluated the
11 transportation corridor from the main line railroad to the
12 facility on the reservation using the existing Skull Valley
13 Road corridor. This corridor was evaluated for heavy-haul
14 using the existing road. In addition, the corridor could
15 provide rail service with the addition of a new rail spur
16 adjacent to and parallel to the road.

17 As noted in the project environmental report and
18 mentioned in prior NRC meetings, the project has continued
19 to develop and evaluate alternate transportation options
20 from the main line railroad to the facility location. A
21 transportation study was begun in late 1997 and completed in
22 early 1998.

23 This study developed several potential alternate
24 transportation corridors for both heavy-haul and rail, and

1 also determined additional intermodal transfer point
2 locations near the main line railroad. The study concluded
3 that an alternate corridor should be evaluated in more
4 detail along the western side of Skull Valley, as well as an
5 alternate intermodal transfer point location.

6 Now that the weather has improved, detailed field
7 surveys were begun recently and are in progress on the
8 proposed corridor and alternate intermodal transfer point.
9 It is anticipated that this work will be completed soon. If
10 ultimately the pursuit of the proposed corridor or the
11 alternate intermodal transfer point is authorized by the
12 Private Fuel Storage LLC, a revision to the license
13 application will be submitted to the NRC staff to include
14 this new information.

15 The Private Fuel Storage project is looking
16 forward to working with the NRC, other regulatory agencies,
17 and other interested parties in pursuing and licensing a
18 facility which addresses a concern of national interest.
19 Thank you.

20 MR. HAUGHNEY: Thank you, Mr. Donnell.

21 Okay. At this point, that's the conclusion of our
22 presentations. We have two other elected officials that are
23 listed to speak. And the first, the Honorable Michael
24 Leavitt, our governor, can't be with us this evening, but he

1 was kind enough to send a tape of his remarks, and I'd like
2 to show them at this time. And then after the tape, we'll
3 have the Honorable Leon Bear, chairman of the Skull Valley
4 Band of the Goshute Tribes.

5 MR. LEAVITT: (Via Videotape) I want to thank the
6 United States Nuclear Regulatory Commission for providing
7 this opportunity for public comment regarding this proposal.

8 Private Fuel Storage, or PFS, a limited liability
9 corporation, proposes to store high-level nuclear fuel rods
10 on the Skull Valley Goshute Indian Reservation. They would
11 store up to 40,000 metric tons of spent fuel 40 miles from
12 Salt Lake City. This is the largest temporary storage
13 facility ever proposed. It represents 25 percent more spent
14 fuel rods than have been generated in the past by the entire
15 nuclear industry.

16 We've been told by PFS that the proposed
17 high-level nuclear storage is safe. They say it's safe
18 because it is stored now at nuclear power plants in the east
19 and midwest and California. If it is so safe, it can stay
20 right where it is.

21 The impacts of the proposed facility reach far
22 beyond the borders of this, of the reservation. Therefore,
23 the scope of the environmental impact statement, of the EIS,
24 which the NRC proposes under the -- under NEPA, has to be

1 extended beyond the impacts of the reservation as well. The
2 EIS must consider the cumulative impact of the proposed
3 storage site and the numerous other facilities and
4 activities that take place in the West Desert.

5 This is an area that already is the storage site
6 for 43 percent of the United States' stockpile of chemical
7 weapons, weapons that are being destroyed to reduce public
8 risk. The malfunction and the crash of a cruise missile in
9 an adjacent Dugway Proving Grounds, as well as the crashes
10 of F-16's on maneuvers over the adjacent Utah Test and
11 Training Range, are well documented, and good examples of
12 the problem. These existing operations and previous
13 accidents have to be considered in the EIS.

14 Now you have a responsibility under NEPA to know
15 and to evaluate and to mitigate the cumulative impacts of
16 those activities, or to disapprove the proposed storage
17 facility. Utah and the Skull Valley Reservation are not
18 safe places to store lethal radioactive waste that come in
19 the form of fuel rods.

20 Transportation impacts have to be evaluated as
21 well during this process and review. Major transportation
22 corridors in the west are critical, not only to the states
23 and communities they connect, but to the economic viability
24 of local, national and international businesses and

1 governments. Interstate 80 and the Union Pacific Railroad
2 through Salt Lake City and Tooele counties are critical
3 east-west transportation corridors.

4 This is a corridor that PFS has to use, whether it
5 transports the nuclear fuel rods by truck or by rail. Any
6 accident resulting from the release of radioactive material
7 would be devastating to public safety. But even an accident
8 that blocks the east-west transportation for hours or days
9 would have the equivalent impact on commerce, on business,
10 and on the public. There is no nearby equivalent
11 transportation corridor.

12 When the Great Salt Lake, for example, was
13 threatened to be flooded, this -- the State of Utah spent
14 more than \$50 million developing pumps that would allow the
15 Great Salt Lake to be -- have its level protected so we can
16 protect this very same corridor. We expect no less
17 commitment from the Nuclear Regulatory Commission and from
18 PFS.

19 Furthermore, this transportation corridor has been
20 proposed for another high-level nuclear waste shipments.
21 And none of the safeguards or assistance that's provided by
22 the U.S. Department of Energy shipments are required or
23 provided by the NRC and PFS. Existing NRC regulations, as
24 well as provisions in the PFS license application, are well

1 short in mitigating the impacts of accidents in this
2 transportation corridor.

3 The so-called temporary designation of the
4 facility is also within the purview of the IR -- of the EIS.
5 This facility is being proposed and evaluated as a temporary
6 storage facility. However, there is no way to insure that
7 the spent fuel rods will ever be removed after they're
8 shipped here. There's no permanent facility. And Yucca
9 Mountain remains under study.

10 Furthermore, the license application clearly
11 states that one of the objectives for constructing this
12 temporary facility is to enable fuel rods to be shipped to
13 off-site nuclear power plants so that they can be
14 decommissioned. Now once again, when this is done, the fuel
15 rods could not be restored to the power -- returned to the
16 power plant.

17 The NEPA process requires an evaluation of the
18 facility for a proposed operation. A temporary facility.
19 It requires that it be a temporary facility, and this one
20 clearly will not be temporary. If the facility cannot be
21 demonstrated as temporary, then the facility would operate
22 beyond the scope of the license and beyond the scope of the
23 EIS. Both the EIS and the license would be flayed.

24 Tonight I've identified a few of many issues and

1 concerns and questions that have been addressed in the EIS.
2 More extensive written comment will be submitted before the
3 scoping process and the public comment deadline has been
4 arrived. As PFS provides additional information in response
5 to deficiencies and omissions in their license application,
6 I would expect that there would be additional issues that we
7 will raise as well.

8 Therefore, I'd request that the public be allowed
9 to submit additional scoping issues for evaluation as the
10 license process proceeds. The public will need to have
11 notice and access to those additional submissions. Time to
12 evaluate them will be necessary so that we can -- that the
13 NEPA process can be conducted in the way it was intended.
14 We need to have -- be noticed of opportunity to submit
15 additional comments.

16 The administrative license procedure and the
17 activities of the licensing board and admitted parties are
18 separate from the NEPA process and cannot constitute or
19 supplant the NEPA process and public review. As an
20 alternative, the NEPA process could be postponed until the
21 license is complete and all information necessary for the
22 NEPA analysis to be available to the public.

23 If there are any questions or clarifications
24 regarding my comments, I'll be happy to respond in writing.

1 Again, I'd like to thank you for the opportunity to present
2 these comments as part of the scoping process. As you know,
3 this is a matter of grave importance to our state. So
4 important, in fact, that our state legislature acted almost
5 unanimously to oppose to put into place safeguards, to
6 oppose the actual placing of this and to put in safeguards
7 for any kind of waste.

8 We expect the same kind of care on the part of the
9 federal government, and we look forward to working with you
10 to be sure that that occurs.

11 MR. HAUGHNEY: Thank you, Governor Leavitt.

12 For your information, we're going to be
13 transcribing that tape. It'll be part of the transcript of
14 this meeting. In addition, we'll get some copies made and
15 have them in the docket file, the tape. So it'll be
16 available as part of the environmental impact statement
17 record.

18 And at this time, let me welcome the Honorable
19 Leon Bear, Chairman of the Skull Valley Band of the Goshute
20 Tribe, for your remarks.

21 MR. BEAR: Thank you. My name's Leon Bear. I'm
22 the Chairman of the Skull Valley Band of Goshute Indians.

23 I guess one of the things I'd like to say today is
24 that the Skull Valley Band of Goshutes has been around this

1 country for a long time, over 10,000 years. We were an
2 environmentalist at the beginning and we're -- we continue
3 to be environmentalists today.

4 The traditions of the band are put into place
5 through our governmental regulations which we are applying
6 to this process. And the band also recognizes the fact that
7 the scoping is being done and the EIS' are being done, which
8 the State of Utah has made mention and wants required.
9 These issues are -- these -- all the issues are being
10 answered through this EIS.

11 The thing about the Skull Valley Band of Goshutes
12 is that the Skull Valley Band has a treaty since 1863. We
13 have executive orders that were put into place in 1917 and
14 1918 reserving the property that we now own, which we have
15 sovereignty over, which we regulate and have our laws and
16 orders on.

17 So the fact that the Skull Valley Band is into
18 this issue and has come together with PFS to license or to
19 put a lease together for the land is appropriate. We feel
20 that the economic development is appropriate for us because
21 of the facilities already surrounding us. So everything is
22 -- will be in place and we hope that we will also be
23 involved in the EIS' as out on the reservation.

24 So the only other thing that I have, and my

1 concern, which is mentioned before, was this agent's fuel,
2 spent fuel coming through Utah. You know, the fact remains
3 is that the DOE is going to transport this stuff through
4 Utah and we should have the same scoping EIS involved before
5 they do this through Utah to make sure the safety factors
6 are in place. And that's about all. Thank you.

7 MR. HAUGHNEY: Thank you, Chairman Bear.
8 Appreciate your remarks.

9 At this point, we're ready to start the public
10 comment portion of the scoping meeting. Just a couple of
11 administrative items.

12 We're going to use the microphone in the center
13 aisle. That will broadcast over the speakers in the room
14 and also will be fed into the court reporter for
15 transcription. So please use that particular microphone.

16 We've got, at this stage, about 30 people signed
17 up for speaking. And I expect that'll continue to grow a
18 bit more as the evening goes on. We're less than an hour
19 into the meeting and some people may continue to come in, as
20 they're welcome to. And I'm going to ask that you do the
21 following:

22 I'm going to ask that you limit your oral comments
23 to about five minutes. If you have more to give, please
24 supplement them in writing, which we can receive this

1 evening or on the address on the -- that will be shown on
2 the screen and turn upside -- turned right-side up at this
3 time.

4 And we are trying to receive all the comments by
5 15 June so we can keep the schedule going on the scoping
6 process. I'll tell you that if we get them by 15 June,
7 they're certain to be considered in the scoping process. If
8 you send them later, we'll do our best, but I won't
9 guarantee that anything we get, you know, 20 June or 15 July
10 will be incorporated, but we'll do our best to consider them
11 throughout this EIS process.

12 And I think at that point, just a reminder again,
13 please allow courtesy to each speaker so that their voice
14 can be heard in this open American unique style of exchange.
15 And we'll get started.

16 Mr. Delligatti, if you would announce the first
17 speaker.

18 MR. DELLIGATTI: Yes. The first speaker on our
19 list is Mr. John Paul Kennedy of the Confederated Tribes of
20 the Goshute Reservation.

21 MR. HAUGHNEY: And you just walked past the
22 microphone.

23 MR. KENNEDY: I'd like to use yours, if I could.

24 MR. HAUGHNEY: You may. And as you do it, would

1 you state your name and location. Thank you.

2 MR. KENNEDY: Thank you very much. I am John
3 Kennedy. I am the general counsel for the Confederated
4 Tribes of the Goshute Reservation, which is a federally
5 recognized Indian tribe sometimes confused with the Skull
6 Valley Band of Goshutes. Indeed, the tribe which I
7 represent are sort of first cousins, the older cousins and
8 larger cousins of the Skull Valley Band.

9 The Goshute Tribe has a reservation which
10 straddles the Utah and Nevada border. It's approximately 65
11 miles west of the Skull Valley area. While the Skull Valley
12 Band has only about 120 members, approximately 30 of whom
13 actually reside on the reservation, the Goshute Tribe has
14 approximately 450 members. Approximately half, 250 or so,
15 little more than half, reside on the Goshute Reservation.

16 A substantial group of members of the Goshute
17 Tribe at Ibapah, which is my client, actually lives in
18 Wendover, in Tooele County. These two tribes have, as I
19 mentioned, established a federally recognized status. The
20 Goshute Tribe from Ibapah has been in existence since 1914
21 as a federally recognized group. The Skull Valley Band, on
22 the other hand, has only been recognized in relatively
23 recent years.

24 Members of the two groups are literally first

1 cousins. They have common grandparents; they have common
2 ancestors going back, of course, for generations; and they
3 share the same aboriginal area. The Goshute aboriginal area
4 extends roughly from the Okert Mountains on the east to the
5 Ruby Mountains on the west, from the Great Salt Lake on the
6 north to approximately Delta on the south. It's an area
7 consisting of approximately 5 or 6 million acres, depending
8 on which study you rely upon.

9 The -- as Chairman Bear indicated, the Goshute
10 people, as a people, have historically been very concerned
11 about environmental issues. And as a result, my client has
12 looked at this matter very carefully; and disagreeing with
13 their cousins at Skull Valley, have taken a position in
14 opposition to this development.

15 We recognize the sovereign status of the Skull
16 Valley Band. We recognize that they have authority with
17 respect to their tribal lands, just as any Indian tribe
18 would have. But at the same time, we emphasize that all
19 Indian tribes, in exercising their sovereign rights, also
20 need to be careful about their sovereign responsibilities.
21 And we feel that in this instance, that has not been the
22 case.

23 And we are particularly concerned about the lack
24 of information. And I think it's been alluded to here in

1 the governor's comments, and also I'm sure you'll hear it
2 alluded to by many others. Congressman Cook of course
3 alluded to the same thing.

4 There are really two substantial governmental
5 actions that are taking place here. One is the approval of
6 this license application. But secondly, there is another
7 governmental action that's being taken, and that is the
8 approval of the lease between the Skull Valley Band and PFS.

9 It is my understanding that the normal process for
10 approving a Indian tribal lease would be to go through the
11 Bureau of Indian Affairs, which would ordinarily conduct or
12 have conducted for it an environmental impact statement. In
13 this case, however, the BIA, as I understand it, has
14 deferred to the Nuclear Regulatory Commission and its
15 preparation of the environmental impact statement for the
16 license.

17 The problem is, we submit, that there are two
18 different sets of standards involved. And the standards
19 involved for the Bureau of Indian Affairs necessarily
20 involve a consideration of the trust responsibility that the
21 United States government has for the tribal beneficiaries,
22 not just a tribal government, but all of the tribal
23 beneficiaries.

24 Consequently, we feel that the interests of not

1 only the tribal government as a government needs to be
2 considered, but the individual interests of all of the
3 members to whom this trust responsibility extends needs to
4 be taken into account. Likewise, because of our continuing
5 interest in the aboriginal area, we feel that that trust
6 responsibility extends to the Confederated Tribes of the
7 Goshute Reservation at Ibapah.

8 One of the problems that I would like to focus on,
9 and I will also submit a written statement for the record,
10 deals with the difference in standards that the NRC follows
11 versus the standards that the BIA should follow. And let me
12 try to illustrate that with respect to the issue of
13 financial responsibility.

14 In the initial presentation, it was indicated by
15 the gentleman from Oak Ridge that the financial information
16 is a part of the safety report. We submit that the
17 financial information is also an integral part of the
18 environmental report itself. And the two are tied together
19 in the process of decommissioning the site and also in
20 maintaining the site.

21 Consequently, if the lessee, in this case PFS, is
22 incapable financially of handling the decommissioning of the
23 site, the tribe would be left, and all of the people who are
24 members of the tribe, would be left with a situation where

1 they would be responsible for 40,000 tons of high-level
2 nuclear waste, waste that is lethal for generations, as many
3 as 400 generations, thousands of years.

4 MR. HAUGHNEY: Excuse me, Mr. Kennedy.

5 MR. KENNEDY: Am I running over my time?

6 MR. HAUGHNEY: Yes, you're a little --

7 MR. KENNEDY: All right.

8 MR. HAUGHNEY: -- bit over. And if --

9 MR. KENNEDY: Thank you. Let me just summarize in
10 30 seconds, if I can.

11 MR. HAUGHNEY: That would be wonderful.

12 MR. KENNEDY: Thank you. I apologize.

13 The point is that at this juncture, there is no
14 alternative site to remove these materials.

15 Secondly, even the plans for an alternative site,
16 which have not been approved, even if they were approved, it
17 is impossible physically for the new site to be created and
18 up and running and able to handle the acceptance of the
19 transfer of this material within the 20 year period of the
20 lease. So consequently, this lease cannot be performed. We
21 know that as we stand here today. It's impossible to be
22 performed in 20 years because this site cannot be
23 decommissioned within that period of time.

24 Secondly, because we don't know where the site

1 where the material will be transferred, we don't know how
2 much it will cost. And because we don't know how much it
3 will cost, we cannot possibly say at this time that PFS is
4 capable to handle those costs.

5 For these and many other reasons, my client, the
6 Confederated Tribes of the Goshute Reservation, opposes this
7 project and urges the government, as a part of the
8 environmental scoping process, to take into account these
9 kinds of issues and to find another alternative. Thank you
10 very much.

11 MR. HAUGHNEY: Thank you, Mr. Kennedy. Next.

12 MR. DELLIGATTI: Next, Chip Ward.

13 MR. HAUGHNEY: Thank you, Mr. Ward.

14 MR. WARD: My name is Chip Ward and I'm here as a
15 spokesperson for West Desert HEAL. I'm also a member of the
16 Citizens Against Chlorine Contamination and the Chemical
17 Weapons Working Group. All three groups are engaged in
18 environmental issues near the proposed PFS facility.

19 I hope that the range of issues and concerns I
20 describe will convey to you that those of us who live on the
21 West Desert already suffer poor health and endure to many
22 cumulative risks and adverse impacts from what's out there
23 already. These risks and impacts must be included within
24 the scope of the EIS on this project if that EIS is to be

1 meaningful and meet the requirements of the National
2 Environmental Policy Act.

3 West Desert Healthy Environmental Alliance, a
4 local grassroots community group concerned with the impact
5 of environmental degradation on health, conducted a survey
6 in 1966, which I'll submit to you, of Grantsville, the
7 nearest largest community to the proposed PFS facility. We
8 believe that survey revealed high rates for cancer and birth
9 defects, an MS cluster, widespread respiratory ailments and
10 other chronic illnesses.

11 We believe ill health is already too common in our
12 community and may be attributable to the cumulative impacts
13 of downwind exposure to radiation testing during the 50's,
14 downwind exposure to open air nerve agent tests at Dugway
15 Proving Grounds just west of Skull Valley, decades of
16 episodic exposure to chlorine gas and other toxic pollution
17 from MagCorp magnesium refinery just north of Skull Valley,
18 as well as occupational exposures from solvents and
19 pesticides.

20 In Tooele County, we have learned the hard way
21 that health risks and impacts are cumulative. The EIS must
22 account for the health of Tooele County citizens and
23 consider current health conditions and existing risks and
24 impacts when calculating further risks and impacts.

1 I'm also a member of the Chemical Weapons Working
2 Group, a national umbrella organization for numerous local
3 community groups that are challenging the wisdom of burning
4 chemical weapons in our backyard. The lion's share of the
5 chemical weapons arsenal is bunkered just east of Skull
6 Valley. The stockpile is being destroyed using a
7 controversial method in a program that is already 14 years
8 behind schedule and 900 percent over budget. A meaningful
9 EIS must consider what it means to add a nuclear waste
10 depository next to a chemical weapons arsenal that is being
11 burned.

12 I'm also active in the Citizens Against Chlorine
13 Contamination, now a working committee of the Utah chapter
14 of the Sierra Club. The CACC has been working for almost
15 two years to challenge the Magnesium Corporation of America
16 to clean up what is arguably the dirtiest industrial
17 operation in America. Each year, MagCorp's magnesium
18 refinery just north of the -- of Skull Valley emits 85
19 percent of the point source chlorine gas emitted in the
20 nation, as well as thousands of tons of other toxic
21 pollution. Because of MagCorp, more than 33 pounds of toxic
22 pollution per capita is emitted each year in Utah, compared
23 to a national average of just under 6 pounds per capita per
24 year.

1 The CACC recently convinced state regulators to
2 start a thorough program of testing MagCorp for dioxin
3 emissions. We are particularly concerned about the impact
4 of dioxin exposure to millions of migrating birds that pass
5 through the Great Salt Lake ecosystem. The EIS must
6 consider the toxic burden we already bear from MagCorp and
7 must consider the consequences of adding more adverse
8 impacts to those that are already suffered by Great Salt
9 Lake wildlife.

10 Transporting radioactive waste through a narrow
11 transportation corridor bounded by a lake and mountains
12 could have an obvious and powerful negative impact on our
13 local economy should an accident happen, but transporting
14 that waste along the shores and wetlands of the Great Salt
15 Lake could also lead to a wildlife holocaust.

16 In addition to the risks and impacts I have just
17 described, an inventory of West Desert risks and impacts
18 would also have to include two commercial hazardous waste
19 incinerators, the massive hazardous waste landfill, the
20 radioactive waste landfill, and the open burning and
21 detonation of conventional munitions. And then there is the
22 -- then there are the F-16's from Hill Air Force Base that
23 crash into the West Desert and Salt Lake on a fairly regular
24 basis. And then there is the occasional missile that comes

1 our way.

2 Finally, the EIS should assess the economic
3 consequences to our communities if we in Tooele County are
4 perceived as an environmental pariah. Because if the PFS
5 facility is added to what we already endure in the West
6 Desert, that is surely how we will be perceived. Thank you.

7 MR. HAUGHNEY: Thank you very much, Mr. Ward.

8 MR. DELLIGATTI: Margene Bullcreek.

9 Either one. Up to you.

10 MS. BULLCREEK: Thank you. Gives me great
11 pleasure to be standing here before you to be able to tell
12 you who we are. We are -- we belong to an organization
13 opposing the nuclear waste storage on our reservation, and
14 we are called the Ohngo Gaugadeh Deva Awareness. And it's a
15 traditional name for a timber setting community that had
16 been named by our forefathers.

17 And it's important to stand here before you and to
18 let you know as a traditionalist, as a Native American, that
19 this nuclear waste that's proposed for our reservation is a
20 mockery to Native Americans. It's a mockery to who we are
21 as Goshutes.

22 Because of the fact that we had belonged to a
23 large group of Shoshone Indians Nation and we had broken
24 off. We didn't want to travel with them during their

1 seasonal travels. We decided to stay in Grantsville. We
2 had lived in Grantsville for a while, until there was a
3 treaty developed, a reservation where our grandfathers had
4 decided to stay. We could have went to another place like
5 with the Ute tribe or with the Ibapah, which Mr. Kennedy had
6 stated, we are very close. Our grandmothers are from there.

7 And it's the only piece of land that we have. As
8 Native Americans and as a traditionalist, I want to be able
9 to say that we ought to protect where we're from and not to
10 destroy it. Because we need to strengthen our reservation;
11 we need to strengthen our government to be strong, to be
12 able to have a government to govern ourselves. I say this
13 because right now we do not have a strong government. We do
14 not have traditionalist on our council. If we did, they
15 would oppose this.

16 And another thing that I want to say is that we
17 don't have any law, we don't have any tribal code. The only
18 tribal code we have is a criminal code. The criminal code
19 that we had signed a contract with the state, with the
20 sheriff's department, the county sheriff's department, to
21 detain and arrest people on our reservation. We do not have
22 any remedy, we don't have any courts. And so looking at
23 this, this is -- there's something wrong with our
24 reservation.

1 We need to have our own tribal courts; we need to
2 have our own resource developments. We -- our reservation
3 improvements that we spend money on every year, we don't
4 have that. Our houses needs a lot of fixing. We need to
5 standardize our homes; we need to have jobs on our
6 reservations. We don't have any -- if there are jobs, we're
7 not -- they don't notify us of this openings. Only certain
8 family are the only ones that fills these positions.

9 And that certain family are the ones that wants
10 the nuclear waste on our reservation. They are in that
11 political council. They have that position to represent all
12 of the members of the Goshute on the reservation, Skull
13 Valley Reservation. There are 124 members. There are 69
14 voting members and the rest are minors. And the people that
15 are supporting our council are all one family.

16 And there are those of us, a third of us that are
17 opposing this. We do not want this nuclear waste on our
18 reservation. We live there. We're going to be waking up
19 every morning wondering when this thing is going to be
20 contaminating the -- our land. We need to protect our water
21 and our air; we need to protect our mother earth. And I say
22 this as a traditionalist. We don't want to be able to go
23 and buy water, maybe in the future. We don't want to go out
24 and buy water because our water is contaminated.

1 They say this is all guaranteed. I mean this is
2 all safe, but it's not guaranteed. Look what happened to
3 the Las Vegas fallouts. My aunt was one of the people that
4 was compensated when she had died of cancer. Now her son
5 also has cancer.

6 Indian land has always been targeted for nuclear
7 testing, for uranium mining, for other -- for Hanford
8 (phonetic) Testing Facility, Yakima Reservation, Arizona
9 Navajos, three -- there's only three surviving miners out of
10 that, the Navajos that had mined in that area. And we have
11 cancers down in Arizona where they had come in for uranium
12 mining there also.

13 There had been people -- they had been promised
14 the same thing as the NSB had promised us, that there would
15 be plenty of money for everybody, but now some of them do
16 have cancer.

17 And we cannot argue against -- our organization,
18 OGDAs, cannot argue against the Bureau of Indian Affairs,
19 Secretary of Interior, and NSB, who has all the money. It
20 is not OGDAs' fault, our members that are against the
21 nuclear facility's fault, because the tribal council had
22 never ever come up with an economic resources in the past.
23 They had never come up with programs or go for grants.

24 It's not the State's fault that the State isn't

1 helping us. It's the BIA's fault for keeping us at arm's
2 length. And we do -- we did have money. We had a lot of
3 money, and the BIA had, as wards of our government, had
4 stated that we have the opportunity to govern ourselves.
5 But all this money went to waste. We've went through a lot
6 of business ventures and we lost out a lot of money.

7 So why should we be -- I'm sorry. But why should
8 -- so why should we be able to deal with the nuclear waste
9 that's going to interfere? It's going to make -- interfere
10 into our lives of native -- as Native Americans. We drink
11 the water, we eat the wild plant life that are -- this is
12 all within the five mile scope of the EIS. And we eat the
13 wild animals, we eat the deers that comes -- that's in our
14 mountains. We have religious sites; we use the sagebrushes
15 as part of our sacred religious ceremonies. These are all
16 sacred to us. We need to protect this.

17 And also, I want to be able to say that we need to
18 hold onto our traditions, because if this thing should ever
19 -- if the nuclear waste should control our lives, then we're
20 not going to be able to be who we are. Who are we going to
21 be? Are we going to be -- is finally the government's going
22 to make us -- drive us into the melting pot that they have
23 intended to do years ago?

24 We don't want this. OGDAs doesn't want this. We

1 want to be able to live on the reservation without fear.
2 And if our council is telling themselves that they're doing
3 everybody a big favor by making millionaires out of us, then
4 why are they sacrificing our lives and our future lives for
5 their own greed?

6 And the NR -- and I've been to Washington, D.C. in
7 February to lobby. And I've talked to a couple of senators
8 there. And I mentioned to them what is DOE's intention as
9 far as the transportation of this nuclear waste from
10 Minnesota? Well, they said we -- it's not -- we can't get
11 involved with that. That's a different matter. That's NRC.

12 And I thought well, so who -- and since they said
13 that to us, to me, then I'm standing here before the NRC.
14 And I am not requesting. I am telling them to please
15 recognize us as an organization, as a traditionalist, to be
16 able to protect our future, and to be able to save our
17 environment.

18 We do not want to give all this up for money,
19 because money won't last long. Money's not going to last
20 into the generation. If there's going to be any mishaps,
21 it's not going to be in this generation, it's going to be in
22 their generation. And then we're going to be coming before
23 DOE and ask for cleanup funds.

24 MR. DELLIGATTI: Thanks.

1 MS. BULLCREEK: And just one last thing that I
2 want to be able to say is that the Secretary of the Interior
3 and the BIA have not filed their EIS reports. They are
4 going to determine that on whatever the NRC come up with,
5 but the NRC doesn't know us like Native Americans, like the
6 BIA knows us. We've been wards of the government for so
7 many years, and they're not protecting us now.

8 But I want the NRC to know that we do have an
9 archaeological site on the reservation that needs to be
10 protected. We have our religious, sacred ceremonies that
11 needs protected, be protected. We have eagles. We had sage
12 hens and pheasants at one time, but they had closed that
13 water up. But that could be reopened. There is peace
14 there. It's not barren. There's peace there.

15 And that's all I want to say, is the organization
16 is here to protect the future generation and to be Native
17 Americans. Thank you.

18 MR. HAUGHNEY: Thank you.

19 MR. DELLIGATTI: Ferris Groll. I hope I
20 pronounced that correctly.

21 MR. GROLL: Yes. Thank you, Mr. Chairman. I'll
22 try not to be redundant in things that have already been
23 discussed.

24 My name is Ferris Groll. I'm a deputy

1 commissioner with the Department of Public Safety, State of
2 Utah.

3 Much of the material that we received so far, and
4 that's been not too much, has not dealt with at least one
5 issue that I'd like to bring to your attention. Other
6 issues will be brought up by other staff of state
7 government. And that is the threat of terroristic or
8 domestic terrorist attacks upon shipments, not only in
9 transit, which is not just in the state of Utah, but which
10 will cover a great many highways and thousands of miles
11 getting the material here. And then again, once it is
12 stored at site. We've not seen a definite plan on how to
13 deal with that potential and the risks involved.

14 As you well know, there are many capabilities, not
15 only from within our own country but from foreign groups,
16 that could use this opportunity to make a point or to
17 actually create damage with the facility and with the
18 material. We know that there's some -- been some previous
19 studies done on attacks by -- Department of Energy had
20 looked at certain casks that have been used.

21 We believe that those studies are not adequate at
22 this time with new generation. I was glad to hear that you
23 are now evaluating some new casks to transport that material
24 and would like to see the results of that new testing. So I

1 was glad to hear that.

2 You really need a realistic approach to those
3 terroristic need risks. A new comprehensive study needs to
4 be done, I believe, in looking at those based on recent
5 terroristic activities, domestic and foreign, on different
6 facilities within the United States and within foreign
7 countries that have been more prevalent in the last few
8 years than when your initial studies were done.

9 I would like to just refer in closing, and I will
10 be brief because I think you have the message about
11 terroristic activities and you have done some studies there.
12 I appreciate the information that has been given, but I
13 would ask that you look at that with your new technology
14 that's available, with new availability of attack weapons
15 and those kind of things that would be available now versus
16 70's and 80's. And I don't know if you've done studies
17 since then, but the most recent I found is studies in the
18 80's.

19 But there was also a January 1998 publication
20 done. There was a survey done by University of Maryland, I
21 believe, and they asked some questions about transportation
22 of nuclear waste. The problem that you face and that we
23 face in many things is only about a third of the people were
24 aware that there's been some congressional legislation that

1 allows that transportation once this process is done.

2 But the other interesting things in that study,
3 perception becomes reality. About 70 percent of those
4 people asked in that study said that they believe that
5 transportation of nuclear waste would be a target for
6 terroristic activity.

7 And the other interesting part is about half, or a
8 little over half of those people, believed that there would
9 be an economic impact to their properties, to their value of
10 their quality of life, if they lived within a corridor of
11 the transportation routes, and especially in the area of the
12 facility that it may be stored at.

13 It's quite a lengthy study. That's a couple of
14 areas. I don't know if you're aware of that one. If you'd
15 like it, I could give you that. But thank you for your
16 attention and hope you'll address at least those concerned,
17 and some of the others of my colleagues.

18 MR. HAUGHNEY: Yeah. Thank you, sir. You're
19 certainly free to supplement your remarks with any documents
20 that you feel relevant.

21 Mr. Hoepner, from Coalition 21.

22 MR. HOEPNER: I'm Martin Hoepner. I'm from Idaho
23 Falls, Idaho. Consider myself a life-long environmentalist.

24 I represent Coalition 21, which I'll tell you

1 about in a minute. I also am a member of the board of
2 directors of Idaho -- of the Idaho Academy of Science,
3 probably belong to some 20 or 30 outdoor conservation,
4 recreation, environmental groups.

5 But I'm representing tonight Coalition 21. We're
6 a group of Idaho-based public citizens with an interest in
7 the subject issue. And if anybody wants to question me why,
8 I'll tell you later.

9 The coalition is an all volunteer group from a
10 great variety of backgrounds. Its primary mission is to
11 help insure that the technologies needed to sustain an
12 appropriate quality of life in America, including a clean
13 environment and sufficient quantities of environmentally
14 benign and affordable energy, are available to the citizens
15 of the U.S. in the next century. Our motto is "Supporting
16 tomorrow's technology with facts, not fears."

17 The coalition is unequivocally and wholly in
18 support of nuclear power and the electrical utilities which
19 employ this technology to supply nearly one-quarter of this
20 nation's electrical energy. We therefore support any
21 efforts to insure that nuclear utilities are not hampered in
22 storage of irradiated fuel.

23 Note that we do not use this -- refer to this
24 viable material as "spent fuel." That misnamed term is not

1 used in other nuclear power countries, who rationally
2 recycle or reprocess their irradiated fuel. "Spent" is an
3 erroneous designation perpetuated by purely political, not
4 technical reasons, and we hope that's a short-term
5 situation.

6 The coalition notes that compared to the
7 demonstrated environmental insults caused by hydro-electric
8 power dams and burning carbonaceous fuels, nuclear power is
9 clearly the most environmentally benign of the large-scale,
10 reliable, safe practical sources of electrical energy that
11 are available to modern society.

12 We truly support research and development and
13 implementation of improving combustion efficiencies, and
14 likewise, emphasis on employing alternative energies
15 wherever such sources are feasible. However, it's clear to
16 us that these technologies will be insufficient to meet the
17 energy requirements of the United States in the next
18 century. Only nuclear energy can help deliver this world
19 and this country from the appalling disasters that have
20 already commenced attributable to global warming, as well as
21 helping to meet the clean air standards for which the
22 citizens of our countries have a right to have.

23 Of great concern to us is that neither the
24 utilities, the government or academia appear to be at all

1 concerned that the 100 plus nuclear plants that now provide
2 nearly 23 percent of this nation's electricity are at the
3 midpoint of the service life. And there's no plans to
4 replace them, not even with floating fossil plants or
5 environment ravaging power dams.

6 This country is truly in danger from an impending
7 energy shortage. Those who oppose nuclear power for alleged
8 environmental concerns have not objectively studied the
9 facts. And being uniformed, they may be the unwilling
10 disciplines of the anti-nuclear propagandas.

11 It's a mystery to those of us in the coalition,
12 some of us have been environmental volunteer activists on
13 natural resource issues for many years, how any real
14 environmentalist can oppose nuclear power on environmental
15 grounds. To us, it doesn't make sense.

16 The next part of my commentary I'm referring to an
17 article by Commissioner Diaz that was in the Nuclear News.
18 And we didn't put it in here to be obsequious, mind you. We
19 like what he said.

20 He addresses three issues, and I'll just mention
21 them to you. He talked about closing the nuclear fuel
22 cycle, he talked about public information. He's got this
23 quote. He said "On public information," Mr. Diaz says, and
24 Mr. Diaz is an NRC commissioner, "the NRC should stand up

1 for the truth and object firmly and categorically wherever
2 misinformation on nuclear issues is placed in circulation.
3 This is not a matter of being pro-nuclear or anti-nuclear,
4 it's a matter of being pro-public and pro-truth."

5 Coalition feels, 21 feels NRC should firmly adhere
6 to this approach in addressing the EIS and do something
7 about the vast amount of misinformation that has already
8 surfaced on this project, and I heard some tonight.
9 Remember, our motto is "Facts, not fears."

10 How am I doing on time?

11 MR. HAUGHNEY: Not so good. Could you --

12 MR. HOEPNER: Okay. Well --

13 MR. HAUGHNEY: You're not alone, but --

14 MR. HOEPNER: Okay. Well --

15 MR. HAUGHNEY: If you could pick it out and
16 summarize, we'd be glad to --

17 MR. HOEPNER: Okay. I've got two more things to
18 say here.

19 MR. HAUGHNEY: Okay.

20 MR. HOEPNER: We would remind NRC that they have
21 an EIS review underway for a new dry proposed above-ground
22 irradiated fuel storage facility at the IMEL. And maybe you
23 can look at that and you won't have to reinvent the wheel.

24 summing up, whether it be the interim nuclear

1 irradiated fuel storage facility championed by Senator Larry
2 Craig, which if the government passes that, and they should,
3 you guys don't have any problem here.

4 The courageous and timely overture to the midwest
5 nuclear facilities by the Skull Valley Band of the Goshute,
6 or other such worthwhile ventures, the citizens of this
7 country and its nuclear utilities must not be thwarted by
8 those seeking to delay such needed ventures.

9 Ignore those who stridently screech about risk
10 where there are no risks of any consequence, and prophesy
11 calamities where scientific evidence and empirical
12 experience prove there isn't any significant hazard.
13 Dismiss those who talk of environmental concerns when the
14 real concern is the most -- is that the most environmentally
15 benign power source is not being encouraged, but thwarted by
16 the ignorant, the deceitful, and the misinformation brokers,
17 and the bias of journalists who insist on calling to --
18 referring to engineered nuclear storage facilities with the
19 pejorative word "dump."

20 We believe that the NRC --

21 MR. HAUGHNEY: That's me.

22 MR. HOEPNER: -- will make the right assessments,
23 stand up and be forthright in ignoring political emphasis,
24 and make the timely and right choices for this country's

1 citizens, based on information received at today's hearing.
2 The coalition will provide some more input on this issue.
3 Thank you very much.

4 MR. HAUGHNEY: Thank you, Mr. Hoepner.

5 MR. HOEPNER: I don't expect applause.

6 MR. DELLIGATTI: Don Cobb.

7 MR. HAUGHNEY: Don Cobb.

8 MR. COBB: Thank you. My name is Donald Cobb.

9 I'm a bureau chief with the Division of Comprehensive
10 Emergency Management, which is part of the Utah Department
11 of Public Safety. My area is Natural and Technological
12 Hazards. I have a prepared statement and a whole bunch of
13 materials that are going to be coming at you in a few days,
14 but I think I'll foreswear that latter part for the interest
15 of time here.

16 The Division of Comprehensive Emergency Management
17 -- we'll call that CEM for the sake of it -- shares a
18 similar mission with the United States Nuclear Regulatory
19 Commission. We serve to save lives, reduce injuries, and
20 protect property and the environment from the effects of
21 natural and man-caused disasters. This is achieved through
22 a statutory comprehensive effort to prepare for, respond to,
23 recover from, and mitigate the effects of disasters and
24 emergencies created by a wide variety of hazards.

1 CEM also shares a common priority with the NRC.
2 We care for people. The best way to mitigate against a
3 hazard is to reduce the risks associated with it to as low a
4 level as possible. Here in Utah, for example, we obviously
5 cannot remove the many earthquake faults that lie under our
6 populated areas. However, we can establish and enforce
7 appropriate building codes, increase public awareness and
8 understanding of the earthquake threat, and take many
9 related proactive mitigation measures as individuals,
10 families, and communities to plan and prepare for a major
11 quake that is known to be overdue here.

12 Also in Utah, for example, we can continue efforts
13 such as the intensive cooperative process among local,
14 state, and federal agencies to eliminate the huge stockpile
15 of chemical weapons currently being destroyed at the Tooele
16 disposal facility at Deseret (phonetic) Chemical Depot.
17 We've already heard from Chip about some other views
18 regarding that.

19 When these weapons are gone forever from our
20 state, so will be the risks associated with them. The
21 Chemical Stockpile Emergency Preparedness Program, call that
22 CSEPP, coordinated by CEM in Utah, represents a great effort
23 on the part of many different levels of government to
24 protect the public during the destruction process. Our

1 Utah's CSEPP successes have been well documented and have
2 come about only through many years of concentrated work by
3 dedicated professionals who recognize that effective
4 communication and coordination are essential to protect the
5 residents of our state. In fact, Utah's CSEPP has
6 established a standard of care that directly or indirectly
7 applies to the emergency management of other technological
8 hazards and perhaps many natural hazards as well.

9 On the other hand, CEM's experience with the
10 Independent Spent Fuel Storage Installation ISFSI --
11 somebody said that was isfizzy (phonetic). Is that -- how
12 do you say that; ISFSI?

13 MR. DELLIGATTI: Isfizzy -- people say it
14 differently.

15 MR. HAUGHNEY: Yeah, I -- the short pronunciation
16 of the acronym is bothersome to me personally.

17 MR. COBB: Okay.

18 MR. HAUGHNEY: I'm in the minority among my staff
19 on that.

20 MR. COBB: We'll go the long route then. The
21 ISFSI proposed by private fuel storage on the Skull Valley
22 Band of Goshute Indians Reservation has proven to be quite a
23 departure from the Utah CSEPP standard of care. Never once
24 has PFS nor any other representative of this effort

1 contacted CEM regarding its plan to store high-level nuclear
2 waste in Utah. Never once has any reply been offered to the
3 many CEM comments and observations about the gross
4 deficiencies in PFS's emergency plan as outlined in the
5 State of Utah 2.206 petition on June 27th of last year and
6 the more recent State of Utah contentions basis for
7 contesting licensing of nuclear waste storage facility.

8 PFS's failure to communicate and coordinate with a
9 state agency whose statutory responsibility for emergency
10 management has been well established for many years, is
11 particularly remarkable since the intent of the consortium
12 is to introduce an arguably significant hazard into our Utah
13 environment. Simply put, PFS's purpose is quite the
14 opposite of hazard mitigation. For Utah, it is hazard
15 promulgation.

16 We are aware that PFS has contacted Tooele
17 (phonetic) County Emergency Management. It's one of the
18 Utah CSEPP partners. And we know too that Tooele County
19 Emergency Management has replied to PFS with a list of
20 concerns they share with CEM. However, ISFSI is not a
21 uniquely Goshute Indian business opportunity nor an internal
22 Tooele County problem that can be solved within the confines
23 of the Tooele County line. This is a vexing Utah issue that
24 will affect hundreds of thousands of our state residents

1 along the expected transportation corridors to the proposed
2 waste site. It is an issue for which appropriate
3 comprehensive emergency planning, such as in CSEPP, must
4 take place.

5 The PFS has yet to contact our office. Some
6 months ago in mid July '97, the Utah Division of
7 Comprehensive Emergency Management did receive a tasking
8 from the Utah Department of Environmental Quality to conduct
9 a careful review and analysis of the PFS license application
10 and related materials including an emergency plan for the
11 PFS facility as submitted to the NRC last June. DEQ
12 provided copies of the materials for this effort.

13 Specific to emergency management-related issues,
14 the review and analysis was completed in August '97 by three
15 senior CEM senior staff. More than 90 critical observations
16 and questions regarding the PSF (sic) Emergency Plan alone
17 were compiled at that time. These issues appear to remain
18 largely unresolved to this day.

19 For example, regarding the PFS Emergency Plan,
20 page 1-6CM commented -- going to quote from that here.

21 "Transportation plan in here is confined to the
22 site itself and the area surrounding it in Tooele County.
23 The plan does not consider intrastate transportation and
24 interstate transportation planning requirements. This is

1 not satisfactory considering the heavily-populated regional
2 transportation corridors along which these dangerous cargos
3 may move. For example, Salt Lake County is likely to be
4 affected but does not receive any planning consideration.

5 "Other serious questions follow on these
6 observations. What exactly are the identified
7 transportation routes from the nuclear reactors to the ISFSI
8 site? What specific Utah communities will be affected? Can
9 they deal with a nuclear waste-related emergency and what
10 remedial or enhancement emergency management measures will
11 be required? What unique security-related circumstances
12 along the identified routes must be considered? What
13 factors could make these shipments vulnerable to sabotage or
14 accident? What is the overall hazard vulnerability of the
15 transfer site at the route's end?"

16 Which transfer site, for that matter, from what we
17 learned tonight?

18 These and many other concerns must receive
19 appropriate emergency planning consideration.

20 Utah has learned through the precedent of many
21 years successful participation in the Chemical Stockpile
22 Emergency Preparedness Program that forthright
23 communication, coordination, and effective planning by all
24 jurisdictions and entities are essential to the attainment

1 of public safety. Further, CEM believes that Utah residents
2 and those who serve them have a right to accept or reject
3 being subjected to unwarranted, unwanted risks over which
4 they may exercise some control.

5 In the absence of the communication, coordination,
6 and effective planning elements that characterize a
7 successful emergency management effort, the ISFSI proposed
8 for Skull Valley is viewed as especially unwelcome by Utah
9 CEM. Therefore, in the interest of public safety, CEM
10 requests that the NRC reject the PFS proposal. Thank you,
11 and --

12 MR. HAUGHNEY: Thank you, Mr. Cobb.

13 MR. DELLIGATTI: Lisa Bullcreek.

14 MS. BULLCREEK: Hello. My name's Lisa Bullcreek.
15 I'm a member of the Skull Valley Goshute. I live out in
16 Skull Valley. I'm 28; I've lived out in Skull Valley for 21
17 years and -- I'm nervous -- first time I've talked in front
18 of so many people. But I don't know. I don't have any
19 information about what's going on with this facility. I
20 live right next door to Mr. Leon Bear, and he's the
21 chairman. I would think that they would tell me, you know,
22 what's going on because that's where I grew up at, that's my
23 home. And they're bringing this facility there and they're
24 disrupting my life. I mean, the facility isn't even there

1 but it has caused a big problem within my family, within the
2 tribe. I mean, there's -- what did they, 120 member of the
3 Goshute Tribe. There's only five homes out there. There's
4 probably like 14 members that live out there that's lived
5 out there for just about as long as I have. I'm the third
6 generation living out in Skull Valley. My grandmother who
7 was also from Ivanpaw (phonetic), and she lived out there.
8 And my mother was raised out there and her brothers and her
9 sisters. And they all lived out there. Her -- my mother
10 and her brother still live out there. At one time, their
11 other brother and another brother lived out there. So this
12 is -- you know, this is our home. This is my family's home.

13 And the -- you know, I'd like to know if -- is it
14 really going to be safe. I mean, I was brought up -- I mean
15 -- well, what's been really bothering me is, since the
16 attorney -- or the tribe's attorney, Mr. Quintana
17 (phonetic), had referred to Skull Valley being barren, I'm
18 not barren. I'm alive and I'm living out there, and I have
19 for years and years and years, and so has my family. And if
20 it looks barren to them it's because they don't know how to
21 live with it. I mean, they see weeds; they see sage
22 brushes; they see willows. Well, to these things, that's my
23 life, you know. They all -- that's who I am with my
24 religious belief like sage in or religious ceremonies,

1 willows for our cradles for the kids to grow up in. It's
2 what we all grew up in. My grandmother would go out there
3 to the willows and cut them and fix them. These things are
4 part of me, a part of my life and my family's life too.

5 And I don't know if people don't know that, you
6 know, maybe some people that are going for it. Well,
7 they've never lived out in Skull Valley. The names that --
8 the people that want the facility out there, they've never
9 lived out there. It's a hard place to live at because it's
10 way out there, you know, way out there in, you know, the
11 desert, you know, sage brush, not barren but sage brushes.
12 And, you know, we've -- I don't know. This thing is -- it's
13 just really hard. This whole thing really is.

14 And I haven't got any papers on how safe this
15 facility is. This man says that, you know, these are the
16 facts. Well, I wish somebody would show me some papers with
17 some facts or tell me something about how big this
18 facility's supposed to be, you know. What are the, you
19 know, what are the dangers that we're facing? Well, I know
20 because the jets that fly by -- everybody's made some good
21 points, and I know what they're talking about because, like
22 I said, I stay out there. I've lived out there for years.
23 The jets fly by really low. That's really scary to think
24 that maybe one of these days the jets are going to hit right

1 into it and then that's going to be the end of everybody,
2 not only, you know, just the people living on the
3 reservation. And also, I would hate to be part of that
4 responsibility to cause so many lives lost if something was
5 to happen.

6 I mean, you know, to me it's embarrassing now
7 because people ask me where I'm from and I say Skull Valley,
8 and they says, "Well, you're the people putting the facility
9 out there. Why are you doing that for?" I says, "I'm not
10 doing it. I'm trying to go against it. I don't believe in
11 it."

12 But I just wanted to, you know, say these things
13 because I read these newspapers about the chairman, Leon
14 Bear, saying he speaks for the tribe. Well, he doesn't
15 speak for me. He's in council and he can say that he speaks
16 for the tribe. Well, I live out in Skull Valley and I'm
17 here to speak for myself. And it's just -- there were so
18 many things I wanted to say, but a lot of people covered all
19 them bases, and I could, you know, comment and maybe put
20 some more in there to that, but I just wanted to say that,
21 you know, where I live at now, we have waters coming down
22 from the mountain, and our water right now is dirty. Our
23 pipes break all the time.

24 What I'm saying is that, even though there's only

1 a few houses out there, you know, and our council wants to
2 put a big facility out there, you know, they can't even take
3 care of the safety of the people living on the tribe and
4 making sure that we're getting clean water coming down
5 because our pipes are busting every summer. And right now,
6 my water's -- the water's dirty that's coming down, and they
7 don't bother to fix that. Well, I know because we are going
8 against the facility so we're kind of like pushed to the
9 side. It is true that there are members in the tribe who
10 have been getting a little bit more money because they
11 support the facility. And I think I'm getting -- me and my
12 family are getting the raw end of this. You know, it's my
13 home. I don't care what people say; it's supposed to bring
14 us money everything, but they're coming onto my home now
15 where I've always known it to be my home. And it's easy for
16 them to say, "Go ahead; put the facility out there,"
17 because, you know, that's not their home. It's way out
18 there in the mountains somewhere. You know, what does it
19 matter to them?

20 With the money wise, you know what, I don't even
21 want the money. You know, people say that -- well, the
22 tribe says that it's going to give the tribe, you know, jobs
23 and everything once it gets built out there. Heck, I'd
24 rather drive over here like I've been doing for years and

1 years, an hours away, and going back to work. The people
2 that live outside the reservation all live in the city who
3 have access to jobs, you know, so I don't understand that.
4 You know, I'm the one that has to drive the longer way than
5 everybody else. But here it's supposed to give them jobs.

6 But these are just, you know, some of the things
7 that -- well, I want to say more, but since we're on a
8 little time schedule, I'm getting kind of nervous here too.
9 I'm forgetting half the things I was going to say. But,
10 yeah, that's basically what I wanted to say is that.

11 MR. HAUGHNEY: May I say that for someone who has
12 openly admitted your nervousness, and I appreciate that
13 honesty, you've spoken very eloquently.

14 MS. BULLCREEK: Okay. Thank you.

15 MR. DELLIGATTI: Wayne Ball.

16 MR. BALL: This will be short. Hello. My name is
17 Wayne Ball. I'm a toxicologist with the Utah Department of
18 Health. I manage the Environmental Epidemiology Program
19 within the Bureau of Epidemiology. The mission of the
20 Environmental Epidemiology Program is to address
21 environmental hazards and disease in Utah and to prevent or
22 reduce a potential for acute enchronic morbidity and
23 mortality associated with environmental and occupational
24 factors, including those -- including exposure to toxic

1 substances, reproductive hazards, unsafe work environments,
2 and agents responsible for debilitating diseases. The
3 program conducts epidemiological investigations in problems
4 related to hazardous substance exposure and researches
5 environmental and occupational health problems.

6 The Environmental Epidemiology Program routinely
7 contends with both identified and perceived health hazards.
8 Identified health hazards are those where a definite risk or
9 hazard has been recognized as being from a past exposure to
10 a chemical pollutant. Perceived health hazards are those
11 hazards that have not or cannot be quantified primarily
12 because the investigation starts after and adverse health
13 event has occurred, long after the environmental exposure
14 has occurred or a belief that an illness is associated with
15 a recent environmental event. Disease clusters commonly
16 investigated by the Environmental Epidemiology Program
17 include cancer, birth defects, and multiple sclerosis.

18 The public health hazards and environmental
19 impacts associated the accidental release of the high-level
20 nuclear waste from the storage containers intended to be
21 stored in Skull Valley either during transportation of the
22 waste or during storage are clear. There's no need to
23 further elaborate on the adverse health and environmental
24 impacts of such releases. The Utah Department of

1 Environmental Quality has clearly outlined the risks
2 associated with both transportation and storage of the
3 high-level nuclear waste. The Utah Department of Health
4 concurs with their assessment.

5 In addition, there are adverse health concerns
6 associated with the perceived risk by the populous living
7 near the transportation routes and storage site. With
8 perceived health hazards, the exposure to an environmental
9 pollutant is generally unknown or is not measurable.
10 Perceived health hazards are the most difficult to resolve
11 since many possible environmental causes can be attributed
12 to the disease cluster under investigation and not
13 necessarily the most recent exposure event.

14 These adverse health concerns will be present even
15 if there is no release of the high-level nuclear waste.
16 Public fears are often not well correlated with agency or
17 industry assessments. While agencies and industry focus on
18 data gathered from hazard evaluations, monitoring and risk
19 assessments, the public takes into account many other
20 factors besides scientific data. In studies where the risk
21 perception among people were studied, nuclear power was
22 considered as the activity with the highest risk, greater
23 than motor vehicles, hand guns, and smoking.

24 Heightened awareness of adverse health effects

1 from the nuclear waste will increase the demand on local and
2 state public health resources due to perceived increases in
3 various conditions and diseases that the public associates
4 with transportation and storage of high-level nuclear waste.
5 This will result in an increase in requests for
6 investigations of diseases perceived to be associated with
7 the high-level nuclear waste. As a result, resources and
8 attention will be diverted from the actual cause of the
9 disease cluster under investigation. People living in
10 Tooele County and along the Wasatch front are already
11 sensitized to the health risks associated with Tooele Army
12 Depot, Deseret Army Depot, and Dugway Proving Ground
13 operations. Public health resources, both at the state and
14 local level, will be required to assure people living along
15 the route of transportation of the high-level nuclear waste
16 to the private fuel storage facility regarding actual levels
17 of exposure to the nuclear waste.

18 Although it is possible to reduce to a negligible
19 level the identified risks of nuclear waste, it is unlikely
20 that private fuel storage or state or local health agencies
21 will be able to adequately address and eliminate those
22 perceived health risks associated with the transportation
23 and storage of the high-level waste in Utah.

24 In conclusion, if the PFS facility is approved,

1 limited public health resources will be diverted from other
2 important health programs. These resources will be needed
3 to address the perceived health consequences of the
4 transport and storage of high-level nuclear waste. Thank
5 you.

6 MR. LEEDS: Thank you, Mr. Ball.

7 MR. DELLIGATTI: R.J. Hoffman.

8 MR. HOFFMAN: Hello and thank you for the
9 opportunity of speaking here this evening. My name is R.J.
10 Hoffman. I have been a radiation safety professional and a
11 member of the Health Physics Society for 23 years, and I've
12 been a certified health physicist for the past 17 years.
13 And, in the recent past, I have served on the Radiation
14 Control Board for the State of Utah for some six years.
15 And, for two years, I was chairman of that group that
16 addresses itself to radiation concerns for the State of
17 Utah. I am not presently a member of the group Scientists
18 for Secure Waste Storage, and I'd just like to make a few
19 points and observations.

20 First, the transportation and storage of spent
21 fuel does not present any unsolvable problems that prevents
22 safeguarding of public health. Also, the radiation in
23 radioactive material from this site can be reduced to levels
24 at or below those associated with other radiation and

1 radioactive material activities such as in medicine or
2 industrial use, which society readily accepts and would be
3 the poorer for if they did not exist.

4 Next, there's absolutely no connection between
5 weapons testing fallout or past or future chemical insults
6 or other hazardous waste facilities and spent fuel storage.
7 Arguments that try to connect them are totally fallacious.

8 Lastly, I would just like to encourage the NRC to
9 look at the siting of an internal storage facility in the
10 large view of the needs of the nation as a whole and base
11 those decisions on science and not the narrow view based on
12 phobias about radiation or radioactive materials. So I
13 would encourage this group to make their decisions with
14 respect to the environmental impact statement, considering
15 those things that truly do have an impact or connection with
16 this facility, its potential hazards or lack of hazards
17 thereof, and not bring in extraneous matters that are really
18 unrelated. Thank you.

19 MR. LEEDS: Thank you, Mr. Hoffman.

20 MR. DELLIGATTI: Lee Allison.

21 MR. ALLISON: Thank you, Mr. Chairman. My name is
22 Lee Allison. I'm the state geologist of Utah, director of
23 the Utah Geological Survey. And tonight I wish to bring to
24 your attention some significant geologic issues identified

1 by the Utah Geological Survey that should be analyzed as
2 they are critical to both the safe and responsible siting of
3 any proposed storage site. To date, these issues have not
4 been satisfactorily addressed by private fuel storage.

5 We have determined that the storage site may be
6 subject to fault rupture at the surface during large
7 earthquakes and may be subject to stronger ground shaking
8 during an earthquake than anticipated by PFS. The site
9 itself is underlain by the Skull Valley -- I'm sorry -- the
10 Stansbury (phonetic) Fault Zone, which is capable of a
11 magnitude 6.8 to 6.9 earthquake, which is roughly comparable
12 to those earthquakes we've seen in the past few years in
13 California at Northridge, Loma Prieta, and in Kobe, Japan.
14 In addition PFS's own data revealed a broad zone of
15 faulting of buried faults that completely underlies this
16 proposed storage site, with a number of the individual
17 faults clearly evidence at shallow depths and other faults
18 suspected from the preliminary data that they've provided.

19 We believe that a large earthquake on the nearby
20 Stansbury Fault could trigger significant earthquakes on
21 these shallow buried faults directly under the site,
22 resulting in ground shaking and ground motion significantly
23 greater than those anticipated by PFS. Also, any of those
24 shallow faults under the site may be capable on their own of

1 rupturing to the surface. Recent scientific studies have
2 found that nearly two-thirds of the historical earthquakes
3 that have ruptured the surface in the Basin and Range
4 Province -- that's between Salt Lake City and Reno --
5 occurred on faults that had no evidence of surface rupturing
6 in the last 130,000 years.

7 So we interpret those shallow buried faults under
8 the site to be younger than that claimed by PFS. And,
9 therefore, these faults should be considered capable of
10 surface rupture anywhere under the storage site.

11 And then thirdly, the fault zones themselves are
12 similar -- or the fault zone itself is similar to that
13 underlying -- or, I'm sorry. The fault zone under the
14 storage site is similar to that existing in many other fault
15 zones around the world such as the San Andreas Fault,
16 California, and parts of the Wasatch Fault in Salt Lake
17 Valley. In these similar zones where there's multiple fault
18 strands, history has demonstrated that surface fault rupture
19 can occur on any one of the fault strands or it may even
20 cause a new fault branch to propagate during an earthquake
21 and break the surface in a new location.

22 So, therefore, we strongly encourage that the EIS
23 you're undertaking consider the impacts of greater ground
24 shaking than expected and the possibility a

1 surface-rupturing earthquake can occur anywhere in the
2 proposed storage site. Thank you.

3 MR. HAUGHNEY: Thank you. Sir, are you going to
4 send us some supplemental information on this subject?

5 MR. ALLISON: Yes. We have figures and diagrams
6 and maps and charts --

7 MR. HAUGHNEY: All that stuff.

8 MR. ALLISON: -- and it's all prepared for you.

9 MR. HAUGHNEY: Thank you.

10 MR. DELLIGATTI: State Representative Ralph Becko
11 (phonetic).

12 MR. BECKER: Good evening. I'm Representative
13 Ralph Becker in the Utah State Legislature. I thank you for
14 the opportunity to comment during scoping on this EIS. As a
15 member of the Utah House of Representatives, I sponsored a
16 House Concurrent Resolution 6 this year which passed
17 overwhelmingly and was signed into law by the governor.
18 This resolution opposes the siting of the high-level nuclear
19 waste facility in Skull Valley without the approval of the
20 state. The legislature is arm in arm with the governor in
21 full support of his efforts. I will provide, if you have
22 not received a copy of that resolution.

23 While I can't claim expertise in the business of
24 high-level nuclear waste, spent a good part of my career

1 working on NEPA actions. This whole process in my opinion
2 may be fatally flawed from the beginning. We are dealing
3 with the storage of some of the most hazardous materials
4 known to man. Instead of the federal government looking at
5 the most technically suitable site or sites in the nation,
6 you're reviewing a proposal based on the most politically
7 expedient solution for the companies that are generating
8 this waste. As a matter of scoping, I believe the NRC
9 should carefully explore other sites and means of storage of
10 high-level nuclear waste.

11 In the lingo of NEPA, the scope should be broad
12 enough to give equal consideration to a full range or
13 reasonable alternatives. Those alternatives should include
14 leaving the materials at their present locations and finding
15 other hopefully more suitable environmental sites.

16 It's the responsibility of the federal government
17 to look out for the health and welfare of the American
18 people. Transporting these materials all over the country
19 multiple times -- if this site is to temporary, it certainly
20 will be multiple times -- cannot be a rational solution for
21 the safe, long-term storage of nuclear waste materials.

22 In addition to giving equal weight to the
23 reasonable alternatives, NRC should be careful to fully
24 analyze all of the technical issues raised by the State of

1 Utah, and those have been mentioned already this evening and
2 will be mentioned further, so I won't bore you with that
3 long list.

4 I'm afraid that the way this proposal comes to us
5 in Utah we have a well-founded fear that NRC will simply go
6 through the motions of an environmental impact statement and
7 approve this application. I can assure you that we will
8 fight this proposal to the end and make sure that this
9 proposal does not proceed without the full involvement and
10 acceptance of the people of the state of Utah.

11 From my perspective, it is the responsibility of
12 the federal government to show us that you are fairly
13 considering the needs of our state. To date, I'm not
14 convinced. I hope you disprove my skepticism. Thank you.

15 MR. HAUGHNEY: Thank you, Mr. Becker.

16 MR. DELLIGATTI: Suzanne Winters.

17 MS. WINTERS: Thank you for this opportunity to
18 comment. My name is Suzanne Winters, and I serve as the
19 state science advisor for the State of Utah with statutorily
20 mandated function to provide advice to the legislature and
21 the governor on matters of science and technology.
22 Historically my office has acted as the coordinator for many
23 of the executive agencies for transportation and related
24 issues for radioactive waste including the departments of

1 Environmental Quality, Transportation, and Public Safety.

2 I am here to express my serious and extensive
3 concerns regarding this proposal and its deliberate and
4 inexcusable omission of any consideration of a comprehensive
5 and detailed transportation and emergency response plan.

6 In recognition of the multitude and seriousness of
7 concerns relating to transportation of high-level nuclear
8 waste, Congress enacted the Nuclear Waste Policy Act in 1982
9 as amended in 1987 to provide for the safe, efficient, and
10 cost effective transportation of radioactive materials with
11 specific provisions for spent nuclear fuel, naming the
12 Department of Energy's Office of Civilian Radioactive Waste
13 Management as the agency responsible for shipments of all
14 high-level nuclear waste and commercial spent fuel to
15 federal facilities. It is the position of the State of Utah
16 that this proposal between PFS and the Goshute -- Skull
17 Valley Band of Goshutes is an intentional and calculated
18 attempt to circumvent the provisions of that act, which
19 Congress passed to ensure the safety and environmental
20 protection under nuclear waste shipping campaigns.

21 In preparation for shipments of high-level
22 radioactive waste transportation campaigns, the DOE began
23 development of the waste isolation pilot plant in Carlsbad,
24 New Mexico, to serve as a pilot and demonstration program

1 for the handling, transportation, and storing of radioactive
2 waste. Through the WHIP and other DOE-related campaigns,
3 the State of Utah has worked cooperatively and productively
4 to design, plan, and implement a comprehensive and detailed
5 transportation program with critical and necessary input
6 from all stakeholders. As a result of a successful
7 cooperation, DOE will begin shipping materials to the WHIP
8 facility this month with the full assurance of all of the
9 corridor states that appropriate measures are in place.
10 This effort has required many years of planning, written
11 memoranda of understanding and agreement and development of
12 a relationship of cooperation and trust. The State of Utah
13 believes agree -- that this has been a valuable pilot
14 program and should serve as a model for PFS for the
15 planning, implementation, and operation of a high-level
16 nuclear storage facility within our borders.

17 PFS proposes to undertake the design, building,
18 transportation to and operation of a facility, the order of
19 magnitude and the potential lethality of which is
20 unprecedented in this country. With no experience nor
21 concern for the impacted stakeholders, PFS has demonstrated
22 arrogance and lack of respect for not only the State of
23 Utah, but for every corridor state, local community, and
24 Native American jurisdiction through which the

1 transportation of material must pass.

2 It is the position of the State of Utah that a
3 comprehensive, detailed, and cooperatively-developed
4 transportation plan be provided to all potential corridor
5 states and tribes to the proposed nuclear waste facility.
6 Further, it is the state's position that all provisions of
7 the Nuclear Waste Policy Act be met by the proposers of this
8 facility including but not limited to financial and
9 technical assistance, training, equipment, and mutually
10 agreed upon development for route selection, alternative
11 route analysis, route risk analysis, route inspection for
12 highway and rail contingency routing plans, transportation
13 infrastructural improvements, shipment notification and
14 tracking, shipment escorting, provision of public
15 information on routing and shipments, preparation and
16 enforcement of transportation operations protocols, carrier
17 and shipper compliance reviews, assessment of state and
18 local capabilities regarding safe routine transport and
19 emergency response, enhancement and maintenance of emergency
20 response and recovery capabilities, awareness training for
21 first on the scene and first responder personnel, public
22 information training for route community liaison personnel,
23 training for hospital personnel, waste acceptance scheduling
24 start date and annual rate, cask loading, full-scale cask

1 testing, accident notification, safe parking designation and
2 procedures, and provision for -- of equipment for emergency
3 response inspection and first response personnel.

4 As separate and comprehensive transportation and
5 handling plan must be developed to address all aspects of
6 the additional rail spur required or the intermodal transfer
7 of the high-level waste as Rally Junction or another
8 designated site including but not limited to the
9 infrastructure improvements, handling equipment and
10 protocols, inspection of casks, vehicles and carriers and
11 state oversight and regulation.

12 It is further the position of the State of Utah
13 that PFS will hold full responsibility for accidents and
14 resulting damages involving spent fuel moving to and from
15 this facility regardless of the location or the title holder
16 of the material. I will provide additional comments in
17 writing of my opinions.

18 MR. HAUGHNEY: Thank you.

19 MS. WINTERS: Thank you.

20 MR. HAUGHNEY: Thank you.

21 MR. DELLIGATTI: Brian Meacham.

22 MR. MEACHAM: Good evening. My name is Brian
23 Meacham. I'm here as the spokesperson for Utah Peace Test.
24 Utah Peace Test is a citizens' group which is well known for

1 our commitment to nonviolence, our commitment to consensus
2 decision making, and our commitment to end nuclear weapons
3 development and deployment. We have two concerns that need
4 to be addressed in the environmental impact statement.

5 The geological record of the State of Utah
6 indicates that a major earthquake occurs along one of the
7 fault systems every 350 years on average. The experts say
8 that it is not a matter of if another earthquake will happen
9 but of when it will occur. The estimates range from 30 to
10 50 years. The most recent data indicates that the proposed
11 project site is sitting on top of geological faults. We
12 assert that a major quake will happen in Utah during the
13 lifetime of the project that may affect the proposed site
14 and that this constitutes a high risk of -- to the
15 environment. We have seen no evidence that the structural
16 supports for the casks nor the casks themselves are being
17 designed to earthquake-proof standards. Therefore, the
18 casks could be damaged on impact due to an earthquake and
19 leak radioactive materials.

20 Our other concern is that there are no proposed
21 plans for an on-site facility to transfer the spent nuclear
22 fuel rods from an old cask to a new cask. The proposed
23 project's lifetime is 40 years. Because of aging effects
24 like creep, the casks will gradually deteriorate with time.

1 We assert that, at a minimum, the rods will be -- need to be
2 transferred at least once. Logic dictates the transfer
3 should occur after 20 years. If a safety factor of two is
4 assumed, then the rods will be -- need to be swapped to new
5 casks every 10 years. This represents four life cycles.

6 In order to transfer rods, it will be necessary to
7 open up the containers. There is a high risk factor for
8 contamination of the environment as a result of this process
9 since there will be other radioactive materials generated by
10 the fuel rods inside. Some of these materials may be
11 gaseous, fine powders, or even liquids. A facility to
12 properly handle these potential problems does not exist in
13 the proposed site plan.

14 There is the -- an additional collateral waste
15 problem generated by the asserted cask recycling process.
16 The old casks will be contaminated after storing spent
17 nuclear (sic) fuel rods and thus become nuclear waste. We
18 assert that the amount to be four times the current estimate
19 because of the four life cycles. This constitutes an
20 environmental hazard because of this project. We see no
21 evidence for the disposition of this radioactive used waste
22 casks.

23 We recognize that, as an alternative -- we
24 recognize that an alternative exists for contracting out the

1 asks recycling process to an existing facility. Under this
2 option, the current risk factor associated with
3 transportation needs to be increased by a factor of eight
4 due to the additional number of trips generated. Thank you
5 very much.

6 MR. HAUGHNEY: thank you.

7 MR. DELLIGATTI: Kathleen Clark.

8 MS. CLARK: Hello. I'm Kathleen Clark. I'm the
9 acting director of the Utah Department of Natural Resources.
10 Our department is charged with the responsibility for the
11 conservation and the protection of the natural resources
12 within the state of Utah, and I appreciate the opportunity
13 to comment here tonight regarding private fuel storage and
14 the scope of the EIS on that proposal.

15 The Department of Natural Resources strongly
16 supports the efforts of Governor Leavitt and the Utah
17 Legislature to opposed the PFS proposed high-level nuclear
18 waste storage facility at Skull Valley Indian Reservation
19 for -- because of the threats that it poses to natural
20 resources in northern Utah.

21 My comments tonight are going to provide simply an
22 overview of some of our department's concerns, and I'd like
23 you to know that more inclusive comments about our concerns
24 and our issues will be forthcoming.

1 One of our divisions is the Utah Division of --
2 it's the Geological Survey. You've already heard from Mr.
3 Lee Allison today. I had prepared a summary of his comments
4 and I will just pass those by since you had some good
5 comments from him.

6 We also have a division that manages forestry and
7 fire in our department, and they have suggested some
8 concerns about the proposed access roads and associated
9 gravel isolation zone, that they may not be adequate to
10 prevent possible wild fires from getting into the storage
11 area, possibly resulting from transportation mechanisms.
12 There's also some concern that the operation facilities may
13 increase fires throughout Skull Valley. An increase in the
14 rate of fires would cause significant loss of natural
15 resources, private property loss and damage, and would
16 likely cause increased cost to Tooele County and the State
17 of Utah for fire suppression.

18 One of our major issues is the -- it's unclear to
19 us how PFS is going to manage water to operate this
20 facility. The department is concerned that the availability
21 of water has not been sufficiently investigated. If the
22 tribe plans to make water available for the facility under a
23 federal -- a claim of federal reserved water rights, we
24 foresee potential challenges to the validity and the extent

1 of those rights. If the tribe plans to make water available
2 for the facility under state-created water rights, we
3 foresee potential challenges under the change application
4 process conducted by the state engineer.

5 The tribe's water rights depend on the number of
6 practicably irrigable acres located on the reservation. The
7 process of determining the PIA, which is the irrigable
8 acres, requires a detailed analysis of the hydrology, the
9 soils, the engineering feasibility, economic feasibility,
10 and numerous other legal issues related to the establishment
11 of the reservation itself. This is a complex process, and
12 once the right is quantified, the type of water use must be
13 changed from irrigation, which is now approved, to
14 industrial commercial uses, which would be associated with
15 fuel rod storage. Approval of this change of use,
16 regardless of how it is undertaken, will be another time
17 consuming process fraught with difficulty and most certainly
18 with challenges by other water users.

19 Even if the tribe chooses to forego claims of
20 reserved rights and uses state-created rights it already
21 holds or purchases water rights held by others, it will need
22 -- excuse me, I just read that. These will -- these require
23 more deliberations and exploration in the EIS.

24 Under the arena of water resources and flooding,

1 we disagree with the drainage area that was used to compute
2 the probable maximum flood for the portion of the area that
3 cuts across the access road east of the storage facility.
4 The applicants used a drainage area of 26 square miles. We
5 believe the drainage area is closer to 240 square miles.

6 In wetter-than-average years, the large
7 depressions south of the access road were filled, the ground
8 was saturated, and most of Skull Valley produced
9 significant amounts of runoff. Wetter-than-average
10 conditions which would occur during a probable maximum flood
11 event would fill the depression and water running off from
12 the south of Skull Valley and would only drain through the
13 depression near the northeast corner of the area causing
14 flooding.

15 The department is also concerned with potential
16 contamination of groundwater aquifer before the site and
17 potential for contamination of other water sources in the
18 area.

19 Regarding impacts to wildlife, we recognize that
20 there has been some planning for the site to discuss
21 mitigation and measures that would be taken to minimize
22 those impacts. However, we feel much greater emphasis
23 should be made to identify and address unintended impacts on
24 wildlife migration patterns, critical habitats, and the

1 potential for unavoidable impacts on wildlife and its
2 habitat, both during the construction phase of this project
3 and also during its life.

4 The department is concerned with the potential
5 impacts of toxic spill or other environmental contamination
6 could have on the Great Salt Lake. The Great Salt Lake is a
7 unique ecosystem of international importance. It has been
8 designated as a western hemispheric shore bird reserve
9 because of its importance to migratory wildlife. The lake
10 also supports brine shrimp harvest and mineral extraction
11 industries that are important to the state's economy. The
12 Great Salt Lake's fragile ecosystem could be devastated by a
13 toxic spill.

14 Two other sites located near the proposed facility
15 are also of great concern with respect to wildlife, and that
16 is Tempe Springs and Horseshoe Springs, both of which are
17 very important locations for migratory birds and other
18 wildlife that use these isolated areas. The department is
19 also concerned with the potential impacts to
20 federally-listed threatened and endangered wildlife such as
21 the bald eagle and the peregrine falcon.

22 We have numerous uses relating to transportation
23 but they've already been discussed, so I am going to pass by
24 those. But it is for these and the additional issues which

1 we believe pose some serious threats to Utah's natural
2 resources, which we will detail to you and be submitted
3 shortly that we oppose this.

4 In summary, we think that the scope of the EIS has
5 got to go well beyond the boundaries of the site itself,
6 take a look at potential impacts to natural resources
7 throughout northern Utah, and also that the EIS needs to
8 challenge the assumptions of safety on which this is
9 proposed. Thank you.

10 MR. HAUGHNEY: Thank you.

11 MR. DELLIGATTI: Thank you. In this copies
12 version, I can't quite make out the last name. The first
13 name is Cynthia, and she's a colleague of Mr. Meacham with
14 Utah Peace Test.

15 MS. CYNTHIA OF THE DESERT: Good evening. My name
16 is Cynthia of the Desert. I am with Utah Peace Test but not
17 as a spokesperson with them tonight. I am an
18 environmentalist, an antinuclear activist, all these
19 wonderful labels. We all wear different uniforms here
20 tonight, and we're all concerned about the same thing. But
21 I have to say that I am mostly here as a mother. You know,
22 we haven't spoken about the children except the people who
23 live on the reservation. You know, we bandy about all these
24 wonderful technological terms, the adverse health hazards,

1 environmental impacts. You know, all of this translates
2 into we are not taking care of our children. This is not
3 our mess. This is not the Goshutes' mess. This is not
4 Utah's mess. This is PFS and other companies who generate
5 nuclear waste. It's their mess and it is my contention that
6 it should be left where it is and not transported all over.
7 A lot of what I had to say tonight has been covered very
8 adequately by a lot of the speakers tonight and -- sorry,
9 I'm nervous too.

10 But I have had 13 or 14 years of thoughtful
11 education. I am not, as someone suggested earlier, a
12 propagandist. I have thoroughly investigated as much as my
13 partial physics background has allowed me to understand the
14 nuclear issues from a lot of different directions. I
15 thoroughly feel that we need to do more research in
16 decontaminating it where it sits. I know of at least a
17 couple studies right now that are ongoing. Maybe five or
18 ten years we'll have the answer. I really don't feel that
19 it belongs anywhere except where it is at the private and
20 military facilities.

21 You know, the space that you're talking about
22 putting it, first of all, the tribe is in contention with
23 itself. There are people who don't want it and didn't feel
24 they were represented. There -- in the paperwork that I was

1 able to gather after sitting through all the days of the NRC
2 hearings in January, seem to leave out glaring things. One
3 -- it's already been spoken of tonight, the water issue.
4 There's safety. What if there is a fire? What if there is
5 something going on? Who is going to be responsible for
6 taking care of things like that? PFS? Is the State of
7 Utah? The local fire department, where are they? Where are
8 the fire engines out there?

9 The casks' safety, all by itself, is the most
10 major issue. And it goes back to things need to sit where
11 they are. Transportation, the tracks, the roads, storage,
12 unloading it, transferring it. Someone referred to that it
13 has to kind of be recycled, I guess. There are so many
14 things that have not been addressed, and I would really hope
15 that this doesn't just get railroaded and pushed into Utah
16 or anyplace else. I certainly hope that WHIP does not go
17 through also because that's not really a safe situation
18 either from the scientific evidence I'm able to understand.

19 The seismic issues have been addressed very
20 strongly here. As I understand from reading a lot of
21 materials on the casks, they are not earthquake proof.
22 There have been remarks about terrorism, sabotage. What
23 about the accidental plane crashes that happen all the time,
24 the military areas, the chemical weapons stockpiles. All of

1 these things have been addressed by other people tonight.
2 But, you know, it's not just a simple, oh, there's an empty
3 space out there. Let's go put it out there. Well, that's
4 what they said about the test site. That's -- in Nevada.
5 But it also happens to be Shoshoni land. Here we are again
6 dumping on the tribal peoples, and I will use the word
7 "dump" because that is as accurate as I think a word there
8 is.

9 Someone else spoke to all the damage that has
10 happened from our experiments with nuclear weapons, the
11 testing, the mining, the waste storage. I just would really
12 urge the NRC to insist that PFS and other companies keep
13 their waste on site and clean up their own mess and not
14 transport it anywhere, including here, whatever here is.
15 This is the Mother Earth. Well, it's the Goshute
16 Reservation. Well, it's Tooele County. Well, it's Utah.
17 Well, it's the United States. It's the Earth and we're all
18 connected. And if there is any trouble out there, everyone
19 will be affected. And so that's about all I have to say.

20 MR. DELLIGATTI: Thank you.

21 MR. HAUGHNEY: Thank you, Cynthia.

22 MR. DELLIGATTI: Chris Cernik (phonetic).

23 DR. CERNICH: My name is Dr. Chris Cernich. I'm
24 representing the Utah Department of Agriculture and Foods

1 this evening. With the record of humans and their
2 accidents, obviously we are preparing for the worst and,
3 though it may not occur, we certainly have to be prepared
4 for that. Our charge is to watch over the safety and health
5 of the domestic animal population of Utah, which potentially
6 could get to a human food chain, which is a great economic
7 boon to the State of Utah due to the number of ranchers and
8 farmers involved and their families, as so aptly has been
9 pointed out. This would also include birds and other
10 wildlife and insects such as the domestic bee hives that we
11 have that do produce numerous amounts of economic benefit to
12 the farmers of Utah.

13 It would also include plant crops and range lands
14 that again have been so aptly brought to point this evening,
15 that cattle, sheep, goats also partake of, that in the
16 potential of an accident would potentially get into the
17 human food chain. Certainly farmers and ranchers and their
18 help and families would also be potentially at risk if we
19 did have such an unfortunate event.

20 My concern and the department's concern would be
21 support of the governor's stand on this issue. There would
22 be a significant environmental impact to the entire area
23 including all agricultural aspects and also economic impacts
24 to the state. It's been state previously, perceptions

1 become reality. If there had been an accident,
2 unfortunately the economic impact to all of Utah agriculture
3 would certainly suffer. My question then would who would
4 take up that slack to a very fragile agricultural
5 environment that we live in today? Who would take up the
6 lost product that was actually contaminated? Who would take
7 care of any product that any agricultural person in the
8 state of Utah could not sell and, therefore, would be
9 economically impacted severely? Thank you very much.

10 MR. HAUGHNEY: Thank you.

11 MR. DELLIGATTI: Thank you, sir. Okay. Again,
12 I'm having a little trouble with this -- reading this
13 because it was Xeroxed. Steven Baronet (phonetic), SSWUS?

14 DR. BARROWS: That's Steven Barrows.

15 MR. DELLIGATTI: Sorry.

16 DR. BARROWS: Scientist for Secure Waste Storage,
17 one of their local members. I'm not nearly as well
18 respected as many of the Nobel Prize winners on that group.
19 I'm just one of their local boys; you might say. My Ph.D.
20 is in physics. I do not work for the nuclear power
21 industry, never have, nor do I work for the governor. And
22 so that makes me free to speak on this issue without any
23 economical bias one way or another. I notice that we have a
24 great outpouring of people from the governor's employ here

1 tonight.

2 And I'd like to say, I started off with my thesis
3 in cosmic ray physics which is a very high energy type of
4 radiation, and I've dealt with radiation in my research off
5 and on for the last 30 years. I'm familiar with it. I know
6 it can be very dangerous, and it also can be handled in a
7 very safe manner. I've had radiation sources in the
8 laboratory that I was working in the last five or six years,
9 taken care of in a safe manner. We have -- it's just a
10 matter of understanding the physics of it, and it's all well
11 known and it can be designed. The problems are not nearly
12 as difficult, in my opinion, as handling the nerve gases or
13 something like that. Those are difficult problems. They
14 take a large team of expert chemists and engineers to solve
15 those.

16 But myself and a few people like me could probably
17 design some of these casks to be at least radiation safe.
18 We'd need some mechanical engineers to talk about their
19 safety so they could withstand train crashes at 80 miles an
20 hour, which you can see some examples. There are videos of
21 some of these tests, and they survive the tests. The
22 material inside the cask is still inside the cask. There --
23 it's not -- the seal is not broken, nothing is spilled.
24 When they're transported on trains or trucks, they don't go

1 70 miles an hour. The trains I think are limited to 30
2 miles an hour or something like that. If you have a train
3 wreck, the problem is to get all the old train cars off the
4 tracks out of the way so you can resume your operations.

5 The casks themselves are just like a big boulder,
6 and you have to deal with that like you would a big boulder.
7 It's not a hazardous thing to somebody standing there and
8 leaning on the cask. This does not give them enough
9 radiation to cause any concern. He can wear his radiation
10 safety badge, and he will not be told that he was exposed to
11 too much radiation for that day. This is because of the
12 shielding that's built into the casks. It's -- it makes
13 those safe to handle and to be around for transportation.
14 When those are located on a concrete pad inside of a fence,
15 nobody needs to even go that close to those, but they could.
16 They could go in there and eat their lunch and it wouldn't
17 hurt.

18 I think it would be nice if the pigeons are not
19 allowed to roost on top of them because months of exposure
20 could perhaps do them some damage. I think that's a
21 possibility. So I'd like to see the rabbits and the pigeons
22 kept away from these things if possible.

23 I don't see the other environmental damage that
24 people worry about. Some of these claims are just really

1 mind boggling. I don't see how these things can start fires
2 any more than a collection of big boulders can start fires.
3 It's really the same question. There's no water required on
4 these -- on this facility except drinking water and maybe
5 some water for the convenience of those that are operating
6 the facility.

7 I agree with our friend for Coalition 21, we
8 should support technology with facts not fears. You can't
9 make the technology unless you deal with the facts, and you
10 cannot handle it properly unless you deal with the facts.
11 If you deal with fears, there's no way to satisfy people's
12 fears if they're not willing to look at the facts.

13 I myself would feel comfortable living next door
14 to this facility. I was down in Northridge in they year
15 following that earthquake. I think it was a 6.4 or 6.5. We
16 have relatives there. They have a silly habit of building
17 backyard fences with cinder blocks, and you could take the
18 fence and go like this, and it was -- it would wiggle back
19 and forth. They had some minor damage to their house and
20 two of their sons had damage to their houses, but I cannot
21 see that the damage would have any way to touch these casks
22 that can stand a 75 -- or a 70 mile an hour train crash. I
23 just can't see that the casks itself could be damaged by
24 such an earthquake.

1 The -- as the governor mentioned about the
2 transportation corridors, like I say, if we have a semi
3 truck accident, it has to be cleared off the highway or a
4 train track -- train wreck has to be cleared off the rails,
5 and it wouldn't take any longer to clear a cask out of the
6 way than any other kind of load. In fact, if you want to
7 talk hazardous loads, talk about shipping gasoline or
8 sulfuric acid or something else in these tanker trucks.
9 Those are hazardous loads. They cause immediate and
10 threatening hazards when they have an accident, whereas a
11 cask would bounce to a stop and then you just wait for the
12 thing to be taken care of. There's no need to evacuate
13 anybody, et cetera.

14 The casks are built much like a fruit jar. The
15 bottom is one piece and the lid is on the top and it's
16 sealed so that gases and liquids cannot get in and they
17 cannot get out. If you were to have a flood there, not very
18 likely, but the water would not be able to get in; it would
19 not be able -- if there was any water inside, which there is
20 not -- these are in solid form, -- it couldn't get out
21 again. So there's no way this contaminates the water. It's
22 just like a boulder.

23 MR. HAUGHNEY: Dr. Barrows?

24 DR. BARROWS: Yes.

1 MR. HAUGHNEY: I wonder, because of the lateness
2 of the hour and the large number of people we have yet to
3 go, I don't know that we're even half --

4 DR. BARROWS: I'm -- yes, I'm about done and --

5 MR. HAUGHNEY: You're stretched.

6 DR. BARROWS: Am I stretched?

7 MR. HAUGHNEY: Could you summarize in 30 second --

8 DR. BARROWS: Okay.

9 MR. HAUGHNEY: -- and submit the rest for the
10 record?

11 DR. BARROWS: Yes. My conclusion is that these
12 radiation hazards can be engineered in a way that is
13 responsible and safe. I believe they have been. I looked
14 at the Web site that the Goshute Tribe has. If anybody
15 wants to look at, that's very extensive and I think it's
16 well done. It's www.skullvalleygoshutes.org, all small
17 letters, and it's up and running, so there's very good
18 information on there. Thank you.

19 MR. HAUGHNEY: Thank you, Dr. Barrows.

20 MR. DELLIGATTI: Dr. Nielson. Thank you for your
21 perseverance.

22 DR. NIELSON: Thank you, Mr. Haughney, members of
23 the Nuclear Regulatory Commission. I'm Diane Nielson. I'm
24 the executive director of the Department of Environmental

1 Quality, a proud employee of the State of Utah and the
2 governor.

3 Tonight I'd like to focus on a couple of comments
4 and provide the rest of the information as written comments
5 before the deadline. First, I'd like to address
6 environmental justice, and in doing so, recognize that there
7 are individuals this evening who have spoken more eloquently
8 on this issue than any executive order or regulation ever
9 could do. But as regulatory agencies, we're responsible to
10 the executive orders, to the regulations, to the guidance,
11 and thank heavens it exists.

12 Environmental justice has been defined by the
13 Environmental Protection Agency as the fair treatment of
14 people of all races, incomes, and cultures with respect to
15 the development, implementation, and enforcement of
16 environmental laws, regulations, and policies. Fair
17 treatment implies that no person or group of people should
18 shoulder a disproportionate share of negative environmental
19 impacts resulting from the execution of environmental
20 programs.

21 This facility and the environmental impact
22 statement, as you have pointed out in your opening comments,
23 is subject to the president's executive order and to full
24 and complete analysis in the evaluation of environmental

1 impacts in the context of environmental justice. It doesn't
2 matter whether the tribe approached PFS or PFS approached
3 the tribe. It matters that this facility is proposed on an
4 Indian reservation without the same regulations and
5 protections that are provided under some state as well as
6 federal regulation and that those impacts must be evaluated,
7 must be fully considered by the NRC as part of this process.

8 Therefore, I would urge you to ask what the
9 impacts related to the proposed facility will be because of
10 its location on an Indian reservation, what the groups of
11 individuals will be who will be impacted in an environmental
12 justice context, what the environmental human health,
13 social, economic, and other impacts will be, and whether
14 those impacts can be mitigated under one or more of the
15 alternatives. If environmental justice impacts the proposed
16 site cannot be mitigated, the NRC should disallow the
17 proposed site in their evaluation through the EIS.

18 Transportation impacts have been discussed by a
19 number of speakers tonight. It's worth noting that this
20 transportation corridor, the I-80 Union Pacific Rail
21 Corridor, is not a corridor that is currently proposed or
22 under consideration for any other transport of high-level
23 nuclear waste. It is a transportation corridor, just as the
24 corridors in Skull Valley will be, that is unique to this

1 facility and must be considered, therefore, within the scope
2 of the proposed facility in the EIS.

3 As a corollary to that, it's interesting to
4 consider how spent fuel rods would travel from California
5 through Utah and then to a permanent storage site. This is
6 not on the way to Yucca Mountain or any other preferred site
7 at this point under consideration for permanent storage.

8 It's also important to recognize that emergency
9 planning is only a fallback and a fail-safe, not a primary
10 means of assuring the safety of the public. That primary
11 assurance and primary responsibility rests with the NRC in
12 the evaluation of the safety of transportation. And under
13 NEPA with emergency planning is not a substitute for an
14 adequate environmental impact statement that evaluates all
15 the risks and costs posed by such a facility.

16 A careful evaluation of the no-action alternative
17 must be an absolute priority in this case where existing
18 nuclear reactor sites already have more than sufficient
19 capacity to continue to store spent fuel indefinitely.

20 Before the NRC even contemplates licensing the
21 proposed PFS facility, it must thoroughly evaluate the
22 unique risks and costs posed by transporting thousands of
23 tons of radioactive material across the country to a new
24 centralized repository in comparison to the risks of

1 remaining storage on a continuing basis on site at the
2 existing facilities.

3 The NRC must thoroughly evaluate the unique
4 transportation-related risks posed by the PFS project, risks
5 that stem from factors that are uncommon to any other spent
6 fuel shipments that have been contemplated or conducted in
7 the US to date. Recognizing the huge quantity of spent
8 fuel, 4,000 casks, over 100,000 spent fuel assemblies
9 shipped within a relatively short period of time, with the
10 focus of the shipments on one geographic area, namely Salt
11 Lake City and Tooele County, and with the unusual size and
12 weight of the transportation casks.

13 Further, NRC ought to recognize, and my
14 understanding is cognizant of the nature of existing
15 environmental studies including studies on transportation
16 casks, which are now over 25 years old. I thought we might
17 go through the discussions tonight without discussions of
18 crash testing of casks. The point is, and I know you are
19 all aware of it, but the public is not, that the films that
20 we have seen and the stories and the reports of crash
21 testing of transportation and storage casks isn't relevant
22 to this discussion because none of those casks are under
23 consideration for transportation at this point and none of
24 that testing has been conducted on the cask that is under

1 consideration. It is not appropriate to consider those
2 evaluations part of a separate EIS. It is absolutely
3 critical because of the size and nature of this proposal
4 that those studies be included within this EIS.

5 Finally, we all heard, or those of us who were
6 here at the beginning of the presentation, about additional
7 plans and additional studies for transportation corridors
8 within Skull Valley and possibly along the corridor, the
9 main corridor of I-80 and the Union Pacific Railroad. This
10 is information that's new to the state and I assume to
11 others here tonight, aside from PFS and its contractors.
12 It's information that we have no technical knowledge of nor
13 supporting information regarding, at this point. And,
14 therefore, we also have no capability to respond in a sense
15 to the scoping impacts. And, therefore, as the governor
16 stated in his opening comments, I would urge you to provide
17 a procedure for either opening comment to additional scoping
18 as new proposals or revisions are added to this license
19 application or else delay the scoping process until we, in
20 fact, do have a complete and technically adequate license
21 application and then let's, in sincerity, evaluate the
22 environmental impacts. Thank you.

23 MR. DELLIGATTI: Stephanie Kessler.

24 MS. KESSLER: My name is Stephanie Kessler. I'm

1 here representing the Wyoming Outdoor Council, and I thank
2 you for this opportunity. I'm actually here as a
3 representative of a corridor state. I'm also here because,
4 in my county where I live, a private facility similar to
5 this one is also being proposed, the Elk Creed Energy
6 Project. I would just like to make a couple of comments
7 that I think are not repetitive of what I've heard tonight
8 and submit some written comments later.

9 But I would particularly like to ditto the
10 comments of Ms. Winter and Dr. Nielson regarding
11 transportation and safety impacts. You must conduct a
12 safety analysis, looking at transportation along the entire
13 route. Wyoming in particular is going to have concentrated
14 impacts from the corridor. I might also let you know that
15 the I-80 corridor in my state is known as the Snowchimin
16 (phonetic) Trail. It is not something that many people
17 enjoy driving on in the winter, and it is quite dangerous.

18 But I believe that transportation poses the
19 greatest risk, and, to do an adequate EIS of this, you must
20 look at the no-action alternative of moving all of this
21 waste compared to leaving it at the reactor site,
22 particularly since the NRC has already made a finding that
23 it can be safely stored at reactors for the next 100 years.
24 And the alternative of choosing that and giving ourselves

1 100 years to do this correctly versus moving it within the
2 next could to ten or whenever this project is proposed to
3 begin.

4 We're particularly concerned about accidents along
5 the transportation corridor and the lack of emergency
6 response preparedness training, equipment, infrastructure.
7 You need to do an analysis of what this means if communities
8 along the route do not have the proper emergency response
9 capability, because that is not contemplated, as far as I
10 know, within this proposal to fund local communities and
11 state governments to the degree that is proposed within the
12 Nuclear Waste Policy Act, mind you, for a facility that is
13 smaller than the one proposed here. The federal government
14 interim storage facility is proposed to contain only 10,000
15 or 15,000 metric tons of high-level radioactive waste. This
16 one is 40,000 tons. So we have a larger facility which --
17 with much less financial support and, thus, safety
18 preparedness for communities. And, in particular, you need
19 to look at the inequity issue of the federal precedent of
20 licensing a facility which contradicts what has already been
21 proposed in federal law as an adequate level of support for
22 local community emergency preparedness.

23 You need to analyze the financial assurance of the
24 proponents of this facility for accidents and damages along

1 the transportation corridor. You need to analyze the
2 negative economic impacts of the stigma of this waste
3 transportation through the transportation corridors and the
4 property devaluation that can occur and put that into your
5 economic formulas.

6 Regardless of whether there is maybe reason for
7 people to fear waste transportation, fears do motivate human
8 behavior and that is a fact. And there will be negative
9 economic impacts along the corridor of the transportation
10 due to the designation of routes.

11 A State of Nevada report conducted recently looks
12 at the possibility of waste coming from the reactors around
13 the country to be able to be transported by rail and has
14 found that for a scenario such as this project, which is
15 opening much earlier than a permanent repository,
16 approximately 35 percent of shipments will need to come by
17 truck. So you need to, in your analysis, look at the
18 probability of truck transport aside from rail transport. I
19 understand this is due to the fact that many reactors lack
20 access to rail service and lack appropriate cask-loading
21 facilities for rail. And so analysis needs to consider
22 truck transportation on our highways and the impacts of that
23 along the route.

24 Also, as an alternative, if there are going to be

1 required dedicated trains for these shipments and, if so,
2 the evaluation of where and how those shipments will be
3 consolidated and the impacts of that on whatever community
4 that occurs at for the consolidation of dedicated trails --
5 train shipments.

6 You also have to consider -- back to my discussion
7 about accidents -- what are the recommended accident rates
8 for the amount of waste to be transported over the amount of
9 mileage to be transported. This is an amount of
10 transportation never experienced on our highways or railways
11 in the past. The magnitude is phenomenal compared to our
12 past history. The DOE I understand has recommended that we
13 use general accident rates for truck and rail shipments, and
14 you need to do your analysis using those to compute what we
15 can expect for accident.

16 Finally, some political issues that provide risk.
17 This facility at 40,000 metric tons, plus what I think of as
18 the Wyoming facility that could open, could essentially
19 preclude the need for the permanent repository or diminish
20 our country's will to pursue a permanent solution. And you
21 must consider in your analysis the probability that siting
22 such, quote, temporary facilities could become de facto,
23 particularly in combination with the other proposed one,
24 that then there isn't any capacity need for Yucca Mountain.

1 Finally, you need to evaluate the need for this
2 facility overall within the whole larger national picture.
3 Will it advance our nation's progress to finding a permanent
4 solution or will it diminish our country's will to find a
5 solution once we have this waste moved to these desert
6 areas? And you need to look at whether that need is based
7 on political expediency or safety reasons. And was can't --
8 you can't examine this proposal in isolation. You must look
9 at it in the larger national picture of what's going on and
10 our history in trying to site these facilities. Thank you.

11 MR. HAUGHNEY: Thank you.

12 MR. DELLIGATTI: Dave Terry.

13 MR. TERRY: Thank you. My name is David Terry.
14 I'm the director of the School and Institutional Trust Lands
15 Administration for the State of Utah. We're an independent
16 agency of Utah state government. We own -- we manage for
17 the benefit of school children in the state, and place
18 sections of land in the vicinity of the proposed site. Our
19 concerns are that, at statehood, the United States gifted
20 that land to the State of Utah for the benefit of the school
21 children. And along with that gift was the presumption that
22 the United States would assist the State of Utah in
23 protecting the value of those lands. Our concern is that
24 properties will be devalued or could possibly be devalued in

1 the area because of the location of this site, and we
2 believe that the environmental impact study should consider
3 that. Thank you.

4 MR. HAUGHNEY: Thank you, sir.

5 MR. DELLIGATTI: Thank you. Nina Dougherty.

6 MS. DOUGHERTY: I am Nina Dougherty. I am chair
7 of the Utah chapter of the Sierra Club, and I'm just going
8 to give a few rather broad comments at this point just to
9 let you know that the Sierra Club is highly concerned and
10 opposed to this dangerous and unnecessary proposal for this
11 project. We will be submitting more detailed comments in
12 writing.

13 I say -- there -- it's rather difficult to single
14 out specific areas of concern because they're rather
15 entwined; safety factors, the sabotage, the terrorist
16 factor, the safety on the highways, the health factor. I
17 think you need to certainly be looking at the growth of the
18 population and, therefore, the growth and the spreading of
19 the population that is envisioned to be occurring here with
20 the phenomenal growth that is occurring. There's a computer
21 program that sort of just shows how people are spreading out
22 across the valleys as the area grows. So you are talking
23 about a lot more exposure at that point.

24 I certainly say that this is an unnecessary

1 project because of the -- you have all this multiple
2 handling is unnecessary multiple handling of these casks, of
3 these rods, with multiple opportunity for things to go
4 wrong. The need must be carefully documented. It must be
5 carefully analyzed and carefully documented. It seems
6 rather obvious from hearing what we've heard tonight that
7 the need seems a little flaky.

8 Alternatives, specially the no-action alternative.
9 There needs to be rigorous analysis of that, of the benefits
10 and the advantages of no action, not just the presumed
11 disadvantages of that. We certainly need to consider the
12 human factor, the human failure factor. I remember talking
13 to a nuclear engineer some years ago who was on a mission
14 around the country. He had helped design the Browns Ferry
15 Plant. There was a fire. He said there wouldn't have been
16 one if it had been designed to the specs that he had been
17 involved in and had been done. But there were other factors
18 that were involved when it came to actually building the
19 plant, and some things were built too close together for
20 financial reasons to save some money. That's one human
21 factor, but there are many human factors that are involved.
22 Humans are involved in this. Things aren't going to go just
23 exactly right.

24 We've been hearing about the risks in the area,

1 the other dangerous activities in the area, and all the
2 intertwining and if something happens wrong at one of the
3 other facilities, as the chemical warfare incineration --
4 incinerator, for instance, that that could impact on the
5 need to take care of that, could create problems with the --
6 this facility and the same with this on that. There are
7 certainly a number of dangerous activities, and we've
8 certainly been hearing about the things falling from the sky
9 with some regularity around here actually.

10 Earthquake certainly is another risk. Fire. You
11 go out to the Cedar Mountains, you can see the devastation
12 caused by -- the widespread devastation caused by a very
13 rapid fire several years ago that actually went to the
14 highway and created some problems there too. Fire is a real
15 problem. It happens very quickly in this particular area.

16 We've been hearing certainly about the
17 transportation activities. I'd like to mention -- focus on
18 another aspect of the transportation, and that is the
19 conflict with the tourism recreation that occurs. We've
20 been hearing this area characterized as barren but not
21 barren. I certainly am on the side of not barren. We
22 sponsor trips to the west desert weekend -- every weekend.
23 There are certainly a number of aficionados of the west
24 desert in this area who love the west desert. Europeans,

1 Japanese love to be able to go out to the west desert and to
2 look at this wide, wide, open area. They don't consider it
3 barren. It's just so spectacular.

4 The Desert Peak and Stansburies, there certainly
5 would be an impact. That's a wilderness area. Many hikes
6 are led there. Many people do go there. There are also
7 historical sites. The Pony Express trail. This road goes
8 down to the Simpson Springs. If one wants to take the Pony
9 Express from one certain angles and to leave, many people do
10 that. That's an area that's down there. Hastings Pass,
11 right there at the Cedar Mountains. The Donner Trail is
12 right there. The Donner Party Trail. There are the wagon
13 tracks that are there. There are now signs that are up in
14 that particular area. The road -- if you take a road that
15 comes right out onto that road that goes past the Skull
16 Valley Reservation. So this is not a barren area. It's
17 rich in history. It's rich in beauty. It's rich in the
18 past. It's a quite an important area and it'll become more
19 so as the population grows and spreads.

20 And, as I said, we will be submitting more
21 detailed comments. Thank you.

22 MR. HAUGHNEY: Thank you.

23 MR. DELLIGATTI: Thank you very much. Bob James.

24 MR. JAMES: I'm Bob James, and I -- I'm from Hill

1 Air Force Base, environmental management. And we have -- we
2 operate to help support the Utah Testing Training Range, one
3 of the viable assets for training our air crews and that,
4 and so we would like you to consider, and we'll have written
5 comments before the deadline to further expand on this, but
6 the air space above that and any accidents or whatever there
7 would -- in route would inhibit our operation through the --
8 getting people to the range on the ground plus in the air
9 space. Thank you very much.

10 MR. HAUGHNEY: Thank you. Very helpful. Thank
11 you, sir.

12 MR. DELLIGATTI: Jerry Schmidt.

13 MR. SCHMIDT: Good evening, and thanks for the
14 opportunity to comment. Before you fellows from Washington
15 think we're a real contentious bunch out here in Utah, I
16 just wanted to remind you that tomorrow night about a mile
17 from here Utah Jazz is going to start kicking some Chicago
18 butt, all right. Am I right? All right.

19 But, you know, back in about 1982 I was a member
20 of a group called Don't Waste Utah before it became a
21 anti-litter campaign out here. We were fighting a nuclear
22 waste dump out there between Sixshooter Peaks down in
23 Canyonlands, and I'm real surprised that, you know, 16 years
24 later we're still fighting these ideas. But I'm thrilled as

1 somebody who's been working on environmental issues for so
2 long, to actually agree with the legislature, Governor
3 Leavitt, and a congressman on this issue. It's tremendous.
4 I don't know what's wrong here. But, you know, the thing
5 is, you know, if this thing goes through, the Skull Valley
6 location's going to have an appropriate name, but
7 unfortunately, they're going to have to name -- change the
8 name of the tribe to the Glowshutes. And the thing is,
9 since we're focusing tonight on the EIS, you know, maybe I
10 should get to my comments on that and get on those issues.

11 The travel issues, you know, let's face it, the
12 waste is going to be traveling across the country to
13 numerous cites, in particular, multiple trips through Salt
14 Lake City. And the rail accidents, I mean, you folks know
15 they're not unheard of. The location, 40 miles upwind of
16 Salt Lake City. I mean, we're not only jeopardizing the
17 permanent residents, but, I mean, we're going to be hosting
18 the 2002 Olympics here. We're going to have thousands of
19 visitors. I don't know if that'll be there, you know, the
20 dump will be in operation before that time. But, if it does
21 -- if it happens after, this supposed economic benefit we're
22 going to be receiving from having our freeways torn up for
23 four years and all these roads and all this construction and
24 all this tax money we're pouring into this, this economic

1 benefit is going to be out the window because we want to
2 help support what 60 people, 120 people, you know, whatever
3 the number is. This is ridiculous.

4 The earthquake situation, Lee Allison, other folks
5 like that have addressed that a lot more competently than I
6 ever could. The financial liability issue, I mean, let's
7 face it, if this thing, you know, goes, who's going to be
8 holding the tab on that, and it's not going to be the
9 utilities or the Goshutes.

10 The -- Mr. Donnell spoke about concrete pads and
11 walls that is going to be holding this waste, like that's
12 supposed to reassure me. I mean, concrete does crack, you
13 know. I mean, I'm just thinking there should be a better
14 material than concrete to hold this stuff, you know.

15 The other thing, you know, there's no doubt in my
16 mind, let's speak to the cultural issues on this. I mean,
17 no doubt in my mind the Native American in this country has
18 got a royal screw job, if you may allow me to use that
19 phrase.

20 And I'm not here to suggest that the Native
21 American tribe should be adapting to the white man's ways.
22 I mean there's -- everybody needs their cultural identity
23 and needs to hold on to the sovereignty, etcetera. But it
24 seems to me that they have adapted to some white man's ways,

1 and that is the idea of prostituting themselves for the
2 benefit of themselves and not their constituents.

3 And the fact is that to solve this problem, the
4 answer is not to endanger two million people or more with
5 this project to help solve a problem that will help 60 to
6 120 people. That's not the answer to this.

7 And Mr. Bear -- the Honorable Chairman Bear could
8 -- can say it all he wants, but the fact of the matter is,
9 their placing radioactive waste inside the ground will never
10 honor Mother Earth. And that's the facts.

11 The fact of the matter is, in my view, I think the
12 tremendous comments that were placed in testimony tonight by
13 Margene Bullcreek should be looked at very carefully by the
14 NRC, and in my view, you should recognize Ms. Bullcreek as
15 the true leader of the Goshute Tribe and not the people who
16 are the counsel.

17 Thank you.

18 MR. DELLIGATTI: Bill Peterson? Mr. Schmidt, if
19 you want a copy of the scoping report, you're going to have
20 to give your address to Dr. Shum, please.

21 MR. SCHMIDT: Thank you, sir.

22 MR. PETERSON: I think this is wonderful that we
23 get together and have these discussions. We're bringing up
24 a lot of issues. I'm busy writing the application now for

1 the facility up at the -- up at Box Elder County. This
2 brings for -- right now we have a -- it's been -- the
3 facilities have been discussed in this meeting. This issue
4 in these facilities are going to become abundant; they're
5 not going to go away.

6 But it's wonderful to bring out these issues. I
7 can tell that you people are stirred up. But I can also
8 tell you people that you need to learn a little bit more
9 about it. But we are listening to what you're saying and
10 we're -- and we have most of these issues well taken care
11 of.

12 For example, you're worried about corrosion. I
13 just did a write-up that we anticipate we're going to
14 monitor the nitrogen pressure inside these canisters. We're
15 going to tell whether or not that there's any potential for
16 corrosion at all in -- if this -- if the -- unless the
17 nitrogen exchanges with oxygen and water, there's no way
18 there's going to be corrosion inside these canisters.

19 I just did a write-up last week -- extensive time
20 on the scenario of an aircraft crashing into this. This
21 stuff does not get airborne, even in the worst case scenario
22 of an air crash going into it. We're dealing with a solid
23 that's sealed inside concrete cass (phonetic), inside thick
24 canisters inside fuel rods. And these have gone through 80

1 mile crash tests. And in a aircraft were -- could crash
2 into it in it's worst scenario, I'm sorry the aircraft comes
3 out the loser.

4 And we have worked out the technologies and
5 methods of recovering all this thing and putting it back in
6 shape. But this stuff does not get airborne. We don't need
7 to worry about being 40 miles away. There's nothing that's
8 going to come in and float over.

9 But, anyway, this sort of thing is an opportunity
10 to bring this to discussion, to talk about these things and
11 to hear your concerns. And we want to get, as one who's
12 worked in these fields all my life, we need to get this
13 information to you.

14 But you need to get beyond what we're discussing
15 here. You need to realize that nuclear is the nobel energy
16 of our earth. It is our best thing that our Lord has given
17 to us in the way of energy. And it is what has kept us
18 alive. What keeps us alive. It is our present source of --
19 what keeps us going and it's going to be around, and it's
20 going to keep us -- the only thing that keeps going in the
21 future. And we need to understand it.

22 But we've got some terrible things going on this
23 world right now in the way of misuse and there's still the
24 threat of atomic bomb. The United States has an agreement

1 with Russia to dispose of plutonium by turning into an
2 oxide. And by turning into an oxide, you can combine it
3 with uranium oxide, you can put it back into fuel rods, and
4 you can burn them up.

5 This is what my project intends to do to look at
6 this, because this is what the agreement is with our country
7 and with the world, and this is what we've got to
8 demonstrate. This is not just a local issue. This is a
9 world issue. And we are at the forefront of this thing. We
10 have an opportunity to do something about it. And it's
11 really a wonderful thing that we're meeting here tonight and
12 discussing this.

13 Thank you.

14 MR. HAUGHNEY: Thank you, Mr. Peterson.

15 MR. DELLIGATTI: Steve Hoffman?

16 MR. HOFFMAN: Thank you for the opportunity to
17 comment.

18 My name is Steve Hoffman. I'm the founder and
19 science director of an organization called Hawk Watch
20 International. International, scientific and educational
21 wildlife conservation organization, headquartered in Salt
22 Lake City, with over 3,000 members nationwide, over 600
23 members in Utah.

24 In addition, we operate the largest raptor

1 migration project in western North America, and have so for
2 the last 18 years in the nearby Goshute Mountains.

3 I have basically two specific issues to comment
4 on. One is the unique and important raptor resource. These
5 are eagles, hawks, falcons, owls, and other birds of prey,
6 living in Skull Valley that could be potentially impacted.
7 We would like the EIS process to consider this resource,
8 both in terms of wintering birds, breeding populations, as
9 well as birds that may be passing through during spring and
10 fall migration.

11 We have documented -- Hawk Watch International
12 members and scientists have documented the presence of 14
13 species of raptors living in that Valley. And I'd like to
14 specifically mention five species. Those include bald
15 eagles, where we have noted up to ten bald eagles wintering
16 at the sight at one time in January and February, observed
17 along a 25 mile stretch of road south of I-80 along the main
18 road in Skull Valley.

19 Golden eagles, which are year-round residents.
20 And we're involved in a 20 year study of golden eagles in
21 that area. And we would be happy to make information
22 available to your EIS team.

23 MR. HAUGHNEY: We would greatly appreciate that,
24 Mr. Hoffman.

1 MR. HOFFMAN: Okay. Also we're concerned about
2 ferruginous hawks which are also year-round residents there,
3 and that's there. We're also working with the Bureau of
4 Land Management to study that population.

5 Prairie falcons, which nest in the area in the
6 Valley and the adjacent Stansbury (phonetic) Mountains. And
7 Swainson's hawks, which are summer residents and also nest
8 there, and it's also a migration corridor for Swainson's
9 hawks.

10 The second issue relative to this project is that
11 it has important educational and recreational values
12 particularly relative to observing raptors. Hawk Watch
13 International runs field trips open to the public in the
14 Valley throughout the year.

15 And just to give you one example, we hosted a
16 international scientific meeting in Snowbird, Utah, in June
17 of 1997. And we took two bus loads of people out to Skull
18 Valley. Many of these folks are bird watchers from the
19 eastern part of the United States. They were thrilled to
20 see these rare and beautiful raptor species in Skull Valley.

21 And one of the highlights for everyone was seeing
22 a flock of 150 Swainson's hawks in the north end of Skull
23 Valley feeding in the sagebrush greasewood flats (phonetic),
24 which is something they couldn't possibly see in New England

1 or Pennsylvania.

2 So we run field trips out there throughout the
3 year and we stop along that highway to observe the birds
4 soaring over the fields and perched on the power poles, and
5 would hate to see you know the road usage increase to the
6 point where it would flush these birds and make them more
7 difficult to observe.

8 So basically the two issues are the impacts on the
9 raptor resource there, as well as the impacts on the
10 educational and recreational values of the site.

11 Thank you very much.

12 MR. HAUGHNEY: Thank you, sir.

13 MR. DELLIGATTI: Bonnie Robinson?

14 MS. ROBINSON: Hi. I'm Bonnie Robinson. I
15 represent myself.

16 Four years ago, my husband, who is a military
17 member, brought me out to Skull Valley. I got to tell you
18 in all honesty I cried all the way out there and I cried all
19 the way home.

20 After living there for four years, I began to
21 understand a lot more about the area and began to appreciate
22 what I have out there. And so I'm here to represent myself
23 and my husband and my five children.

24 You know I'm not an expert and I'm not a scientist

1 and, boy, my background is you know in art and drama, so let
2 me tell you I've been doing a lot of reading. This is just
3 a little bit of what I've got. I've got a couple of boxes
4 at home so I'm trying real hard to learn about all the
5 things that are happening here. And I'm trying to read both
6 sides so that I have -- I can get a fair value or an opinion
7 of what's going to happen if it does happen.

8 And one of the things -- and I can't even give you
9 a bunch of paper about what I think is going to happen to
10 you, but I can give you about a list of about a hundred
11 questions. Will that help? And then maybe somebody could
12 write back to me and let me know what the answers are,
13 because I'd appreciate that.

14 MR. HAUGHNEY: Well, we'd be delighted to receive
15 the questions and send you a copy of this scoping report.

16 MS. ROBINSON: Okay. Good.

17 MR. HAUGHNEY: May I ask though that in the
18 interest of time, we have a number of other speakers --

19 MS. ROBINSON: Right.

20 MR. HAUGHNEY: -- that you try to summarize the
21 issue.

22 MS. ROBINSON: I will.

23 MR. HAUGHNEY: Thank you.

24 MS. ROBINSON: One of the things that I'm really

1 most concerned about and that I've been doing some -- little
2 bit of reading about is that I can't find any information
3 about a hot cell.

4 And a hot cell is a place where nuc- -- a reactor
5 or whatever it is -- a casket leak can be assessed. And
6 evidently what you've got to do is take some kind of a
7 smear. And the only place you can take this smear to find
8 out if anything is leaking is in a hot cell. So from what
9 my understanding is that if you don't -- since there's not
10 going to be one of those, that if there's a leak -- somehow
11 figured out that there is one there, that when you do find
12 it, they're going to send it back by railway to wherever it
13 came from so that they can fix it, and then they can send it
14 back out to us. I got to tell you. That doesn't make a lot
15 of sense. And as somebody that's living out there, that's
16 kind of frightening to me.

17 I've also been out there when we've -- I've heard
18 some people talk about the fires. I personally have
19 witnesses (sic) those fires. It comes from lightening
20 strikes. And I got to tell you, I was from here to you when
21 I stood up against a fire wall that was over 30 feet.

22 MR. HAUGHNEY: Uh-huh.

23 MR. ROBINSON: And that that's very frightening
24 and very real. And I know that there can be some danger.

1 I've also been doing some reading where some of the caskets
2 and some of the canisters do some self-heating on occasion,
3 and that frightens me. You know that they can self-heat.

4 MR. HAUGHNEY: Uh-huh.

5 MR. ROBINSON: And if they can self-heat and they
6 don't have a hot cell, what are we going to do about it if
7 it's left there?

8 And there's this and there's a lot of other things
9 that I've read about that are very frightening. And human
10 error -- I've read about several people when they've loaded
11 things up, they haven't got the seal quite right, or that
12 somebody's dropped something and they've shoved it in to the
13 next part and that it has been dented just slightly and so
14 it doesn't fit quite in so they don't get it all sealed.

15 Human error -- geez, look around. There's human
16 error all of the place. And here we could have it here and
17 we're talking about something that can damage an area so
18 widespread that it will never recover from it.

19 And these are all concerns of mine. And I'm only
20 one person. But hopefully there are other people out there
21 that feel the concerns for this area. I really do love the
22 Skull Valley area, and I didn't think I ever would. And I
23 have real concern for the people there.

24 I'm only ten miles away from ground zero.

1 Something happens and it affects me. And it effects my
2 husband. Will he have a job if it's contaminated? Will the
3 people that live out there be able to go back to their
4 homes? I need some answers. And I think the people out
5 there do, too.

6 Before you go ahead with all the things, think
7 that there are people there -- real live people -- that feel
8 and care deeply about their homes.

9 Thanks for listening.

10 MR. HAUGHNEY: You're welcome.

11 MR. DELLIGATTI: Okay. I'm not sure I'm going to
12 pronounce this last name right. Gregory Thayn -- Thayr
13 (sic) -- from BLM?

14 DR. THAYN: Yes, I'm Dr. Gregory Thayn. I'm with
15 the Bureau of Land Management, Utah state office. I'm the
16 national environmental policy act coordinator there.

17 I'm here on behalf of the state director for Utah
18 and for the manager of the Salt Lake field office for BLM.

19 And we'd just like to say that the -- we believe
20 that the scope of the EIS should be comprehensive and it
21 should include the analysis of the entire project, including
22 any needed access or transportation across the public lands
23 that we're in charge of.

24 The BLM is an agency with expertise and

1 responsibilities and multiple use for multiple resources.
2 And I'm not entirely clear on this -- maybe you can help
3 with this. If the BLM is going to in the future be asked to
4 provide rights of way, permits, or other authorizations for
5 the project and we may -- in fact some key decisions to make
6 and should be included as a cooperating agency for
7 preparation of the EIS, particularly in regards to expertise
8 in potential impacts on the public lands and resources.

9 We're especially concerned over the questions
10 regarding the access and the transportation of the spent
11 fuel lodge and what will be involved in the construction and
12 operation of the transportation facilities.

13 We have specific concerns about culture restore
14 (sic) -- resources, historic trails, threatened endangered
15 plant species, impacts on livestock grazing, impacts on wild
16 horses, wetlands, wildlife, mineral resources, and I won't
17 go into detail on that. We will provide a letter before the
18 end of the scoping period that will detail our concerns and
19 the issues.

20 And we'd just like to thank you for this
21 opportunity to participate at this point. We hope that we
22 can assist in a proper way in the preparation of this EIS.

23 Thank you.

24 MR. HAUGHNEY: Thank you, Dr. Thayn for

1 summarizing your agency's views.

2 MR. DELLIGATTI: Christopher Robinson?

3 MR. ROBINSON: As was stated, I'm Christopher
4 Robinson. I'm here on behalf of three companies: Skull
5 Valley Company, Castle Rock Land and Livestock (phonetic),
6 and Ensine (phonetic) Ranches of Utah.

7 Those three companies are owned by three families,
8 mine and two others, that operate cattle ranches and other
9 agricultural operations in Skull Valley. We own 67,000
10 acres in the Valley. We're the largest private land owner.
11 We also lease the BLM's grazing rights as the previous
12 gentleman mentioned that there were some. We also lease the
13 state lands that were referred to by David Terry of the
14 School and Institutional Trust Lands (phonetic).

15 We own the majority of the private land, if not
16 all of it, along the corridor from Rolly Junction (phonetic)
17 to the indian reservation. We have substantial irrigated
18 crop lands where we raise feed for both human and livestock
19 consumption. We have 2,000 acres of such crop land. Our
20 crop lands are located within -- the closest -- one of our
21 farms what we call the Brown Ranch is located just on the
22 north border of the indian -- of the Goshute Reservation
23 within about a quarter mile or a half mile of the proposed
24 site for the PFS (phonetic) facility. And so I -- we also

1 graze about 5,000 head of varying classes of livestock in
2 and around the reservation on both public and private lands.

3 We have a unique perspective on this in that we're
4 probably more directly impacted than anybody. We believe as
5 has been stated here, and I won't go into the -- you know
6 trying to recite all the areas in which I support the
7 testimony, that this be a very broad and thorough EIS that
8 includes the impacts specifically that haven't been
9 mentioned tonight on our livestock operations, on our real
10 property values, on our water rights, and underground and
11 surface water rights, on the transportation corridor,
12 whether it's by rail or down the Skull Valley Road, and the
13 impacts on our operations. And also noise pollution and
14 dust both relating to the construction, how it's relating to
15 the multiple trips -- you know some three or 400 trips in a
16 short period of time of these heavy cargos.

17 We believe like some of the speakers have
18 indicated that Skull Valley is a very beautiful area. It's
19 not a dumping ground. We lawed the efforts by Tooele County
20 to clean up some of the stock piles of hazardous substances
21 that exist in the county.

22 Some of you may know that the State of Utah, led
23 by the governor and private businesses of The Coalition For
24 Utah's Future, has created this envision Utah project where

1 they're studying the population trends in the state and
2 where the growth is going. And it's estimated by that year
3 using some computer modeling and other techniques, that
4 there will be some five million people living in this state
5 by 2050, which is roughly the proposed duration of this
6 facility. And that the majority of that growth -- or a lot
7 of that growth will occur in Tooele County. Tooele County
8 is one of the fastest, if not the fastest, growing county in
9 the state and -- or -- and one of the most rapidly growing
10 in the nation.

11 And as was pointed out earlier I believe by
12 Representative Becker, the no action alternative is really I
13 think an important consideration here when you view that
14 this is -- this site is being chosen not because it's the
15 most technically feasible; it's not the one that's most
16 remote from large population centers; it's not the one with
17 the least you know earthquake faults; or the least potential
18 for flooding; or the shortest -- you know the most direct
19 route coming from where this is stored to perhaps Yucca
20 Mountain or something. It's being examined because it's the
21 most politically expedient site -- that the expediency comes
22 to the benefit of a small minority and to the detriment of a
23 large majority that need to be taken into consideration in
24 this scoping process.

1 And in looking at it from a broad perspective on
2 the whole state of Utah, we have, as you that are with the
3 NRC know, we have tried to make our voice heard by going
4 through the legal process of intervening or requesting
5 intervention in the licensing process and have been granted
6 intervention at great cost to ourselves. And we're very
7 much opposed to this happening, and hope that you will take
8 an even hand.

9 We somewhat feel like once the DOE and others in
10 the federal government have a predisposition toward solving
11 an interim storage problem, and our concerns about that is
12 that it may become a de facto storage site that as some
13 other speakers have alluded, that it will remove the
14 momentum or impetus for finding and properly investigating
15 and assessing a permanent site. And that we then may wind
16 up with a de facto site that becomes a path of least
17 resistance. And we wind up with all of this stuff
18 perpetually sort of on a shoestring process, although I'm
19 not denigrating this process. But relative to what's gone
20 on with Yucca Mountain over the last 20 years and is still
21 going on, it is certainly not the scope of a -- that would
22 take place with a permanent facility.

23 So we're very concerned and hope that the EIS
24 addresses all of those factors. And appreciate your time,

1 and we'll be submitting written comments.

2 Thank you.

3 MR. HAUGHNEY: Thank you, sir, for your remarks.

4 MR. DELLIGATTI: Steve Erickson? I guess Mr.
5 Erickson is not here. Virgil Johnson?

6 MR. JOHNSON: My name is Virgil Johnson. And I'm
7 a member of the Goshute Tribe from Ibapah. And in Ibapah,
8 we don't glow.

9 But what I want to say to you guys is I want to
10 know where all the calvary was in 1968 -- spring of 1968
11 when the sheep were buried on the Skull Valley Tribe? Where
12 was the calvary then? Where was the study done for
13 earthquakes? Where was the study done for emergency
14 management? Where was all those people then in 1968 -- in
15 the spring of 1968 when the sheep were killed by the nerve
16 gas from Dugway? Where were the calvary then in the '50s
17 when Dugway came on board and wanted to do some nerve gas
18 testing?

19 We have some strange bedfellows when things like
20 this come about. I find that very interesting. Call it --
21 call yourself environmentalists. Call yourself
22 traditionalists. Call yourself whatever you want. We're
23 all human beings.

24 And seems to me the calvary is doing their job

1 again. Historically, what has calvary done to indigenous
2 people -- historically? If you take a look at it, same
3 thing is happening now.

4 But the difference in 1998 today is we have enough
5 technology from what I've heard this evening. As an
6 indigenous individual from the state of Utah, seems like to
7 me McCarthyism's well and alive in Utah.

8 Not only that, but from some of the other people
9 who have spoken on behalf of the Goshutes on some of the
10 information that has been given this evening on the studies
11 that have been done, it seems to me that the -- there are
12 some safety factors that need to be further studied. And
13 then once those studies have been made, I think there needs
14 to be a coming agether (sic) -- coming together again.

15 Utah, and what I read in the paper sometimes, we
16 had a company come down to Lehi, probably gave them some
17 money, gave them some land, and now they're defunct. No
18 jobs; no economics for the Lehi people. No economics, no
19 tax base for the Utah people.

20 So what I'm saying as an individual, once all the
21 discussion has been made, then we need to live with whatever
22 the approval is. That's the type of an individual that I
23 am. Once a discussion is made, if it's made in a negative
24 way or made in a positive way, once it's made, let's go on.

1 And seems to me these lights that are on, they
2 come from some power. I was a Marine down in San Onofre
3 several years ago, went through Marine boot camp training,
4 Camp Pendleton. San Onofre -- we went down to San Onofre
5 Beach. There's a nuclear plant there. I don't think the
6 fish are glowing 30 years later. There are other places in
7 the United States where they're lighting these buildings.
8 It's interesting.

9 But I would say as a Native American, I'm kind of
10 in a precarious situation because Mr. Bear is my aunt's
11 son's boy. Marjean -- Ms. Bullcreek was -- is my aunt's
12 daughter. So we have some ties to the land in the Great
13 Basin area from the Goshutes in Ibapah as well as the
14 Goshutes in Skull Valley. The only difference being the
15 Europeans who came here with their calvary said we need to
16 identify what group and where you're going to be. And so
17 because of how it's set up, that's how we're set up
18 throughout the United States in the various lands on the
19 reservations.

20 And the interesting thing about this whole matter,
21 in my perspective, is economics makes strange bedfellows for
22 everybody. And overkill, that's quite an item. That's why
23 I call it the calvary.

24 But the Nuclear Regulatory Commission, you need to

1 consider some of these ideologies. And then once the
2 decisions are made, I will live with whatever decision is
3 made. If it says yea, so be it; if it says nay, so be it.

4 Thank you very much.

5 MR. HAUGHNEY: Thank you very much, Mr. Johnson.

6 MR. DELLIGATTI: Did Mr. Erickson return? Okay.

7 Calvin Andrews?

8 MR. ANDREWS: Calvin Andrews, president of
9 Analogics Marketing and Consulting. We're general process
10 consultants. We deal with a wide variety of problems and
11 issues ranging from environmental to new technology.

12 One of the ways we approach problems is we try to
13 look at the issues and rank order them. Rank ordering is a
14 very important process. What I see is something that's
15 strikingly inconsistent here with the State of Utah's
16 position in how to deal with these issues that are focusing
17 on the environmental aspects.

18 USPCI, for example, operates a dump site -- and
19 that's truly a dump site -- permanent repository at the
20 hundred year flood level to 200 foot -- 200 year flood level
21 on the perimeter of the Great Salt Lake.

22 We've heard of 30 -- 64 million pounds of
23 chemicals being deposited in the region of Skull Valley at
24 the present time with no corresponding concern from the

1 raptor group, for example, as to how this might be impacting
2 on the raptors in the area, the wildlife, the flora and
3 fauna.

4 There have been concerns expressed here about the
5 nuclear repository -- temporary, I might add. And yet
6 there's been no corresponding comments or concerns about the
7 impact of permanent repository of munitions at the Tooele
8 facility as well as Dugway. The area is so contaminated
9 with explosive munitions that areas are permanently marked
10 no transit.

11 So what we come down to is what seems to be a
12 highly inconsistent position on the part of the state. And
13 so not being an expert in these particular areas, but a
14 process consultant, I would ask the questions, what are the
15 relative environmental hazards? And we've Chip Hill, for
16 example, commented on environmental holocaust. I'm not
17 picking on him. These phrases we've heard all evening from
18 various people who have commented.

19 Well, how would we rank MetCorp Corporation's
20 (phonetic) continuous contamination of the area for decades?
21 Or Kennecott (phonetic)? U.S. Steel? Geneva's (phonetic)
22 pollution of the environment as well. Just by way of
23 comparison, how many people will be killed by the transport,
24 if you will, of these casks as opposed to light rail, which

1 will move only 15 miles up and down the other corridor --
2 the I-15 corridor, and cross some 28 intersections at grade.
3 And based on statistics from Southern California, will
4 probably kill 25 to 30 people in the next decade.

5 Is this inconsistent? The governor went back to
6 Washington and lobbied for that position. And yet when it
7 comes to the state of Utah's concerns about the environment
8 and safety, we have no record of a death so far as I know
9 from a incident involving a cask. And yet we've heard
10 repeated concerns about the safety of casks here tonight and
11 it's potential impact on the environment. Here we have a
12 life and death situation in the Valley. What are the
13 concerns, and are they appropriately rank ordered?

14 We've heard some concerns, for example, about the
15 fault rupture from the -- on geological terms. Believe me,
16 I would not want to see this earthquake. But if we have an
17 earthquake out here in the Skull Valley that can accelerate
18 these casks to velocities of greater than 80 miles per hour
19 and impact them together, I think we can kiss the whole
20 state good-bye; in fact, the whole western United States.

21 And we've heard concerns about the approval
22 process. Well, I want to know who is giving the approval
23 when USPCI was set up out in the Valley. The burn site
24 which is just across the road, all within a few miles.

1 We're talking about the aboriginal lands. And I would like
2 to know, for example, who authorized the munitions
3 depositories or repositories at Dugway, Tooele, and so
4 forth.

5 Or let's just go back a few decades. We're
6 talking about the beef operation here and environmental
7 disasters. Who authorized the chaining of thousands and
8 thousands of square miles of piñon forest -- the sacred
9 piñon forest, I might add, of the Goshute, and the
10 sagebrush, in order to raise beef. I see this as woefully
11 inconsistent. And I would like to see this addressed in the
12 environmental impact study.

13 The brine shrimp of the Great Salt Lake. If we're
14 talking about dumping 34 million pounds of hydrochloric acid
15 into the environment, doesn't that have some impact on brine
16 shrimp production?

17 How about the flora and fauna, the riparian zones?
18 The state hasn't brought up this kind of, if you will,
19 artillery -- calvary was the term, for the tamarisk
20 infestation, which has decimated the riparian zones of the
21 entire state. And we have no allocation of money, no
22 special groups, if you will, out here informing the people
23 as to the damage. This is strikingly inconsistent.

24 MR. HAUGHNEY: Excuse me, sir.

1 MR. ANDREWS: Yes.

2 MR. HAUGHNEY: Could I ask that in the interest --

3 MR. ANDREWS: Yes.

4 MR. HAUGHNEY: -- of our collective stamina --

5 MR. ANDREWS: Summarize. Yes.

6 MR. HAUGHNEY: -- that -- thank you.

7 MR. ANDREWS: Thank you. I'll summarize. I -- by
8 the way, I might add that I observe about 60% of the time --
9 or 70% of the time being devoted to government employees
10 tonight.

11 The last point then. If this facility at the
12 Goshute Reservation were to be putting out between two and
13 20 pounds of radioactive material per day, and we knew that
14 without any issue or any controversy, what do you think
15 would happen?

16 Now the irony here is the state of Utah lobbied
17 and there were officials here in the state of Utah as well
18 as -- and, again, this is in -- within the aboriginal zone
19 of the Goshutes -- the IPP project, which burns millions of
20 tons of coal, which we know can contains uranium. The ratio
21 was 100 kilograms for every 270 tons of coal burned. This
22 is going out in the form of aerosol particulates. It's
23 involved, if you will, it ends up in the posilant
24 (phonetic). We have an incredibly inconsistent view.

1 One last comment, having to do with the -- I
2 believe it's environmental justice. Isn't it ironic that
3 only a few miles -- less than an hour away -- the Enola Gay
4 crews trained to drop the first bomb on Hiroshima. If there
5 was ever a state that deserves to have the nuclear fuels
6 back, it would be this state -- produce the uranium and
7 train the crew.

8 Thank you.

9 MR. HAUGHNEY: Thank you, sir.

10 MR. DELLIGATTI: Rosemary Holt?

11 MS. HOLT: My name is Rosemary Holt. I do not
12 work for the state or the government. I'm the chairperson
13 for Women Concerned Utahans United.

14 We are a long-standing, citizen organization
15 concerned with nuclear testing, the Utah Downwinder issues,
16 the storage of 43% of the nation's chemical weapons, as well
17 as dealing with the biological issues at the Dugway Proving
18 Grounds.

19 Women Concerned Utahans United is opposed to the
20 quote "temporary" site for the storage of nuclear waste on
21 property belonging to the Goshute group. We believe this is
22 a bad neighbor idea. The 100 and -- no, excuse me -- 820
23 acre, again in quotes, "temporary" facility is opposed not
24 only by the state of Utah, the people of Utah, grassroots

1 organizations, but also by groups of the Goshutes.

2 The use of the word temporary at this site is
3 arguable. And the transportation of spent nuclear fuel to
4 this site is likely to be subjected to accidents or
5 sabotage.

6 The possibility of opening the door to other power
7 companies to store nuclear waste at the Goshute site is a
8 major concern. No one wants nuclear waste in their
9 backyard, nor do we want it in our neighbor's backyard.
10 Let's not dump nuclear waste in anyone's backyard.

11 This waste needs to be stored near the plant that
12 produced it.

13 We need to look to the future for acceptable
14 solutions in the production of this kind of waste product
15 and the problems it produces. This nuclear waste scenario
16 is a perfect example of benefit to a few; at great expense
17 to many.

18 And if I can address -- this is an aside with a
19 touch of humor.

20 The security -- I'm questioning the security of
21 the concrete casks. Perhaps we can all relate to having our
22 driveways poured with concrete. Shortly thereafter to our
23 demi- -- we're upset when we see a crack in the concrete.
24 We just had this happen recently at our home. The concrete

1 contractor -- we presented the crack to him, and he said,
2 "There's an old saying. Haven't you heard it? If it
3 doesn't crack, it's not concrete."

4 Old concrete contractor saying: "If it doesn't
5 crack, it's not concrete."

6 Thank you.

7 MR. HAUGHNEY: You're welcome.

8 MR. DELLIGATTI: Thank you. And Jonathan Hurd?

9 MR. HURD: Hello. My name is Jonathan, and I'm
10 speaking on behalf of Salt Lake Food Not Bombs.

11 I live here in Utah. I was born here in Utah, and
12 I've lived here all my life. My parents live here in Utah.
13 My grandparents, my great grandparents have, too, during
14 their lives.

15 Today, I have a three-year-old niece who's growing
16 up here in the state of Utah. We here in Utah have a
17 certain history with nuclear issues and the federal
18 government. Some 40 years ago or so, a similar bunch of --
19 a similar board of people from the federal government came
20 into our communities. They showed us -- showed people
21 documentary videos. They brought out a long list of experts
22 who testified that these nuclear tests that they were going
23 to be doing north of Las Vegas -- that all of this was
24 perfectly safe.

1 Many years later, come to find out that they lied,
2 and that many of the Utahans paid for those lies with their
3 lives. My grandfather died of cancer at a very young age.
4 Never smoked a cigarette in his life; very healthy man; very
5 healthy lifestyle. Died of cancer in his 50s. And this
6 isn't a unique story. This has happened all across the
7 state. We were lied to.

8 Now, today, they come out and they bring again a
9 long line of experts that want to tell us that this is safe.
10 But if it's so damn safe, then why do they want to bring it
11 clear out to Utah and dump in a so-called barren desert? If
12 it's so safe, why don't they leave it Minnesota? Why don't
13 they leave it where it is? This stuff isn't safe. I don't
14 care how many suit and tie wearing, Ph.D. having, fools you
15 want to parade in front of me, telling me that this stuff is
16 safe. It's not safe. And I'm not going to believe it.

17 This guy over here wants us to believe that
18 nuclear energy has given us life. Air gives us life. Water
19 gives us life. Mother Earth give us life. Nuclear energy
20 does not give us life. It contaminates all those things
21 that do give us life. Nuclear energy has never brought us
22 anything but death and money. And the money is what makes
23 it particularly dangerous and what interests so many people
24 in this room. And I hope that when their food is all toxic

1 and poisoned, and their water and their air is all poisoned,
2 that those same people are going to be able to figure out a
3 way to eat, drink, and breathe their money, because that's
4 all they're going to have left.

5 Thank you.

6 MR. HAUGHNEY: You're welcome.

7 MR. DELLIGATTI: Thank you. That's it.

8 MR. HAUGHNEY: Well, ladies and gentlemen, that
9 concludes the discussions by people who have signed up to
10 speak. And I'm fully prepared to close this meeting. But I
11 -- we want to just say something briefly.

12 To those that have commented, I found these
13 comments to be extremely sincere and highly useful in my own
14 opinion. And we'll have to digest them in detail and look
15 at the written remarks that have been promised. And please
16 keep your promises, because I think the ones that have been
17 promised would be particularly helpful.

18 And I thank you for your courtesy and your
19 diligence and perseverance through this meeting.

20 MR. KENNEDY: Is there anyone here from the Bureau
21 of Indian Affairs?

22 MR. HAUGHNEY: There have been people from the --
23 but I'd like to close the meeting at --

24 MR. KENNEDY: I'm just wondering if there is. I'd

1 like the record to show that no one has been here from the
2 Bureau of Indian Affairs.

3 MR. ALLISON: Let the record show that the Bureau
4 of Indian Affairs is here.

5 MR. KENNEDY: In whose form?

6 MR. ALLISON: The superintendent of the Goshute
7 Reservation.

8 MR. KENNEDY: Thank you.

9 MR. ALLISON: Skull Valley Goshutes.

10 MR. KENNEDY: Thank you.

11 MR. HAUGHNEY: The meeting is --

12 COURT REPORTER: Repeat that, Mr. Chairman.

13 MR. HAUGHNEY: I'll get the information. I don't
14 think it was appropriate to the scoping meeting.

15 We'll go off the record now. The meeting's
16 closed.

17 [Whereupon, at 10:06 p.m., the meeting was
18 concluded.]

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